

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

SEPTEMBER 5, 1991

**JIMMY JENKINS
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
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Baton Rouge, Louisiana 70808
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
SEPTEMBER 5 , 1991

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

September 5, 1991

Chairman James H. Jenkins, Jr. presiding.

Thursday, September 5, 1991

**Houston Foret
Bert Jones
Norman McCall
Warren Pol
Jeff Schneider
Pete Vujnovich**

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the August 9, 1991, Commission Minutes. A motion for adoption was made by Mr. Pol and seconded by Captain Vujnovich. The motion passed unanimously.

Chairman Jenkins asked Ms. Bettsie Baker to make her Presentation to the Computer Section. Ms. Baker reported that when she first came to the department a lot of the scientific staff came to her with problems that they had with computing services. At this time the main frame computer only serviced certain sectors of the department. Since the scientific staff was becoming more and more scientific in their biological data and analysis they needed enhanced capabilities through the computer system. A dream was planted three and a half years ago to acquire a new computer that would better suit not just the needs of the accounting staff, licensing section and boat registration, but everybody. People within the department spent quite a lot of time meeting with various computer companies looking at what the department's needs were to move into the next generation of computing capabilities. The department was able to work through all of the appropriate budget processes to come forward and acquire a new computer. Ms. Baker pointed out that the acquisition of the new computer is only one piece of this process; making the computer work is a major undertaking and stated that she was very proud to say that the department's computer staff was able to bring this computer dream on line, on budget, and on time which was a miracle. At this point during the meeting Ms. Baker recognized the following people for their efforts in this project and presented them each with a certificate.

**S. K. Majahan
H. F. Wilson**

**Henry Gauthier
Tim Souther**

Gail Sims
Denise Dubois
Ela Mae Dupui
Janelle Sutton
Tabatha Demary
Anselmo Rodriques

Julie Phillips
Al Brown
Gladsy Pratt
Danny Veals
Doug Moranto
Bobbie Savant

Special recognition was given to Danny Veals who was presented with a plaque. Mr. Veals traveled statewide to the different offices and put this statewide computer network on line. Concluding, Ms. Baker thanked everybody for their efforts.

Chairman Jenkins advised that the next item on the agenda was the Trout Management issue and proceeded to give some background information. The legislature this year decided to give speckled trout management to the Commission advised Chairman Jenkins. This issue is not just a biological issue, but also a social and economic issue, and dividing the resources among users is a tough problem. The Commission formed a Marine Finfish Task Force which has met on at least two occasions with some public input. The committee is made up of primarily staff and Commission members. Statistics and different scenarios were reviewed. After deliberations the committee, last Thursday, did vote to make a recommendation to the Commission. Chairman Jenkins called on Mr. Pol for the recommendation.

Mr. Pol advised that the five man committee was made up of Jenkins, Vujnovich, McCall, Schneider and himself. Mr. McCall was not able to attend the meeting. The suggestion, resolution and motion of the committee was unanimous. Mr. Pol than read the following recommendation:

"For the year of 1991 the trout season will begin on September 1, 1991 and end on April 1, 1992. For the year of 1992 the trout commercial season will begin on September 15, 1992 and end April 1, 1993 and continue thereafter. The quota for commercial catch has been reduced from 1,250,000 pounds per season to 1,000,000 pounds which has been the historical catch for a number of years. The commercial season will last until the quota or April the first is reached, whichever comes first. There shall be no nets for any saltwater fish in the water from midnight Friday to sunset on Sunday."

Mr. Pol continued and read another recommendation from the Committee.

"After many complaints, phone calls,... netters, the length of the 1991 season the committee directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be enforcement, surveillance, routine checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum

of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be a special phone number set up for the purpose of receiving and documenting complaints or violations. The Secretary shall give Chairman Jenkins a report on the formation of this task force within two weeks of this meeting."

Concluding, Mr. Pol advised that these were the recommendations from the committee which were unanimously voted on.

Chairman Jenkins called for public comments on the recommendations for trout management. Public comments were limited to three minutes each.

Mr. Justin Schoest, commercial fisherman, Franklin, LA. addressed the Commission. Mr. Schoest fishes out of Cypremort Point and advised that he always has a man on his nets from the day they are put out to the day they are picked up. Mr. Schoest is against closing the weekend to netting and forming another task force. He feels that there are too many laws already and wants to know what the reason is for closing the weekend to netting.

Ms. Jane Black, spokesperson for the Organization of Louisiana Fishermen, addressed the Commission. Ms. Black reviewed provisions of Act 157 and 708 of 1991 legislation. In these provisions it is stated that management decisions and conservation decisions should be based upon biological and technical data in no less than four places. Ms. Black asked if there has been a change during the last few months, since the results of the stock assessment, to cause the Commission to recommend this action. At the time the stock assessment was explained to the Commission and to the public it supported the existing total allowable catch and the allocation between the recreational and commercial fishermen. Act 708 states that if allocations or assignments are necessary they are to be fair and equitable to all the fishermen and reasonably calculated to promote conservation. Ms. Black stated that she would like to know if the resolution is a conservation resolution, does it promote conservation; if so why is the only conservation action taken against one group and not against the other group. The first provision of the resolution takes a quarter of a million pounds of trout from the commercial trout fishery. This is a potential revenue loss of a half million dollars. There is no biological nor technical data available supporting this provision. There is no indication about future allocation of this quarter of a million pounds. Could it possibly be that this quarter of a million pounds will later become part of a twenty five fish recreational bag limit or even a smaller recreational bag limit. The recreational industry is faced with tough times ahead with their numbers increasing. There is no evidence of a fiscal impact study nor a social impact analysis required. There is no evidence what is going to happen with these fishermen when they lose a quarter of

a million pounds of fish. The second provision of the resolution generates several results that are unlikely have not been considered. In particular there are fishermen in the state who traditionally harvest their fish in the late spring, summer and early fall. These fishermen will not have equal access as the quota will be filled prior to their harvest period. If not filled the season will be closed because of the force of the date. This action to create the season from September 15 to April 1 is going to create derby fishing. The commercial fisherman will be forced to harvest in a quick fast manner in order to fill the quota before the day closes the quota rather than the poundage. It is going to force the fishermen to fish during the winter when trout are worth the very least amount of money. It will be an economic impact that has not been analyzed. The third provision prohibits netting on weekends. Ms. Black stated that she understood that the provision was to be netting for trout, but today she understands it is for all fish. The only rationale for this provision that Ms. Black has been able to find from the proponents is "to reduce conflict between recreational/commercial fishermen". Not a management decision, not a conservation decision but a decision to reduce conflict. In 1991 in Act 886 a bill that was sponsored by Representative Roach from Cameron and passed states "No one can willfully encircle a recreational fisherman with a commercial net nor intentionally hurt him in anyway with his boat. Neither can any recreational fisherman intentionally use or employ a vessel or recreational gear to interfere with a lawful commercial fisherman". Also in Act 708 of this year's legislation in the Fisheries Standards it states "Conservation and management measures shall minimize cost and avoid unnecessary duplication." With Act 886 in place this provision of this resolution is an unnecessary duplication if in fact there is a problem, the problem has already been addressed and the removal of fish nets for the weekends is a duplication of existing law. In closing, Ms. Black respectively requested the complete withdrawal of this resolution and recommended that the Commission seek the opinion on the proposed resolution and others of this type in the future from the Attorney General before proceeding forward.

Mr. Peter Gericca, Lake Pontchartrain Fishermen's Association, addressed the Commission. Mr. Gericca stated that he was mostly representing himself. Mr. Gericca is completely against the no nets provision and asked why? Is the Commission trying to completely put the commercial fishermen out of business just for a few GCCA members so that the sports can go out on the weekend. This is unfair and Mr. Gericca cannot understand why somebody would vote for this. There are more trout right now than there have been in the last ten years. Why all of the change?

Mr. Daniel Edgar addressed the Commission. Mr. Edgar advised that he had a few questions but Ms. Black addressed most of them. Mr. Edgar advised that the conflict between the recreational and commercial fishermen is in the summertime and he is really

concerned that this would be stopping the weekend fishing when the recreational fishermen are not out there in the wintertime. Don't stop the commercial fishermen from working when the problem is not even out there stated Mr. Edgar. This is unfair. Mr. Edgar requested a copy of the resolution. Chairman Jenkins pointed out that this was not a motion of the Commission but just a recommendation that came out of a committee meeting. Mr. Edgar advised that he was also concerned that the Marine Finfish Task Force members and commercial representatives were not consulted, invited, etc. to the meeting. Chairman Jenkins explained that this was a meeting of a committee of the Commission and it was not a public hearing but the public was invited to come. Notices were given and there were a few people in attendance. This was primarily a discussion between the Commission members on the committee and the staff. The meeting today is the public hearing advised Chairman Jenkins.

Mr. Barry Schaffer, commercial fisherman, Metairie, LA, addressed the Commission. Mr. Schaffer is against the no netting on the weekends. Mr. Schaffer advised that he very seldom fishes for trout, but fishes mostly for sheephead. The department has nothing on the sheephead (management plan, quota, etc), so how can the department tell him he cannot fish them on the weekend? The people that sat on the committee/task force represented the GCCA and there was no one that represented the finfish fishermen of Louisiana stated Mr. Schaffer.

Mr. Milton Cambre, recreational fisherman, Norco, LA, addressed the Commission. Mr. Cambre advised that he has been fishing for speckled trout for forty years and it is getting very difficult. At the point now unless something is done he just as well hang it up. Mr. Cambre pointed out that unless something is done there is not going to be anything for anybody.

Mr. Russell Black, Lafourche Parish, member of OLF, addressed the Commission. Mr. Black advised that he lost everything four years ago because of restrictions and it is really sad what the Commission is trying to do to the commercial fisherman.

Mr. Ed Martin, commercial fisherman, Lafourche Parish, addressed the Commission. Mr. Martin advised that he makes thirty-forty percent of his income catching other fish besides speckled trout. It is getting worse every year and the Commission is putting the fishermen out of business.

Mr. H.R. Burke, recreational fisherman, Baton Rouge addressed the Commission. Mr. Burke advised that he has made four trips to go speckled trout fishing in the last month and did not catch the trout. There wasn't one trout caught that measured over thirteen inches long. Every year it is less and less. Commercial people have strained the water of the big trout.

Mr. Harlon Pierce, Secretary-Treasurer of the Louisiana Seafood Marketing Board addressed the Commission. Mr. Pierce asked the following questions: 1) How do people get notification of the committee meetings that are occurring? 2) What members of the technical staff of the department were present at these meetings of the committee? 3) What are the opinions of the technical staff regarding these recommendations? 4) What are the motives or how are each and every part of the plan justified? 5) What is the biological data to justify these actions? 6) Questioned the one million pounds quota being the historical ten year average. The quota was given to the commercial sector not because of over fishing of speckled trout but because red fish had been shut down and it was the concern of the department that the pressure would go to speckled trout, not because the trout was endangered. A hundred and four days will be taken away with the weekend ban not just for trout fishermen but for every other fisherman in the water. 7) Does this plan affects the shrimper? The fisherman fishes when he can catch fish, not because it is a Saturday, Sunday, Monday or Tuesday. All the proposal are aimed at the commercial sector. 8) Why is the commercial sector taking the brunt of the attack and can it be justified? The National Marine Fisheries reports show that twenty two percent of the recreational sector's catch has been over the limit catch. Concluding, Mr. Pierce asked that these questions please be answered.

Mr. Elliot Schoest, Jr., commercial fisherman from Cypremort Point, addressed the Commission. The commercial fisherman does not hurt the fish. When the quota is caught the commercial fisherman shuts down. Certain size meshes are used so that the younger specks are not caught. During the spawning season when the sports fisherman catch the big trout a lot of baby trout are killed. The sport fisherman is catching the fish for pleasure. Mr. Schoest pointed out that he is catching fish in order to make a living and asked that the Commission be just on the commercial fisherman.

Mr. Jessie Fontenot, Morgan City, addressed the Commission. Mr. Fontenot advised that he was here to represent the commercial and sport fisherman. Mr. Fontenot chairs a committee for the St. Mary Industrial group which is a non-profit organization. There are 150 members who are all business people and employ between 16-20,000 employees. The group is involved in political and industry and work very hard to develop industry and protect industry. Mr. Fontenot stated that one of his concerns was with all the specks there are why did it take eleven months to catch a million and a quarter pound. Everybody needs to protect what we have. Sportsmen have done their share to cut limit. Would like for the sportsmen and commercial fishermen to work together. Mr. Fontenot very strongly supports the department's program.

Mr. Richard Green, Lafourche Parish, addressed the Commission. Mr. Green questioned the recreational fishermen catching over their

limit and how come the recreational fishermen have the weekends. Give the commercial fisherman a break.

Mr. Daniel Edgar addressed the Commission again. Mr. Edgar asked that with the timetable set does it mean that after April 1st or 15th the commercial fisherman will be able to fish nets on the weekends in the summertime. Chairman Jenkins stated "no". Mr. Edgar asked if it was going to be no weekend fishing for the entire year. Chairman Jenkins stated "right". Mr. Edgar asked if during the timetable from September to April they will not be able to fish speckled trout, can they fish for other fish. Chairman Jenkins stated that the way the resolution or motion read it said "no nets in the water on the weekends from September 15th till April 1st and then no nets in the water from April 1st to September 15".

Mr. Pol explained that the way it reads is that from September till April there will be no netting on the weekends. Also during the season that is closed, from April till September, there will be no netting on the weekends. Mr. Edgar stated that where he is confused is that he is trying to get the difference between summer and winter with the gill nets on weekends and has concluded that it is no nets on weekends annually. Mr. Pol stated "yes" that is the way the resolution reads. Mr. Edgar asked if the task force or committee that was formed addressed shrimping or other types of netting, is this saltwater and freshwater. Mr. Pol advised that it is just saltwater. Mr. Edgar requested that the Commission answer the questions from Ms. Black, and Mr. Pierce in writing.

Mr. Mark Hilzim, GCCA, addressed the Commission. Mr. Hilzim read the following statement on behalf of the GCCA. "As you no doubt are aware GCCA and some twenty other groups introduced legislation to grant gamefish protection to both specks and reds. That same legislation also granted authority to the Wildlife and Fisheries Commission to regulate specks and red. While redfish were a quota gamefish status specks weren't. The authority for the Commission to manage specks, however, were provided in the final legislation. And of course it is a result of that legislation that we are here today to discuss changes in the management of speckled trout. Now while GCCA supported legislation to give the Commission authority for speckled trout I think it is important to know that the action which you are considering today is not being taken as a result of pressure by GCCA. GCCA did not propose the changes which you are considering, and while GCCA participated in discussions held by the Finfish subcommittee of the Commission GCCA has had no formal hand in the drafting or decision making processes surrounding today's action. It was GCCA's position during the recent legislative session and remains GCCA's position that speckled trout should be afforded gamefish protection. It remains a mystery to us that trout cannot be afforded the same protection as of other valuable and limited public animal resources. Even the most cursory look at both the statistics and the effect on this and current regulations tells you that something is wrong. Recreational trout

landings and pounds have dropped steadily from 1986 to 1990 with 1990 weighing in at less than twenty six percent of 1986 figures. The recreational share of the fishery has dropped from its 1980 to 1989 average of eighty three percent to only sixty eight percent in 1990. These decreases aren't only numbers on paper they also represent a tremendous impact on those many thousands of people who depend on the recreational fishery to support themselves. Ask any boat dealer, tackle dealer, bait dealer, coastal restaurateur, motel owner, etc. what impact the down turn in the recreational saltwater fishing economy has had on their business. And this is no small industry, as much as a billion dollars a year or more. And while we know that there are problems in the fishery and while we know that this fish is much, much more valuable in the state when used recreationally we are still forced to sit back as we did this summer and watch a army of netters catch every trout in sight because a quota has not been reached. This quota, of course, is one that depends on the commercials themselves accurately reporting their catch. Since 1986 when the first comprehensive set of regulations was enacted for speckled trout recreationals have had their take cut by both minimum size and creel limits reduction. This has put them below their 1980 to 1986 average while the commercial fishermen is fishing at least twenty six percent above his 1980 to 1986 average. The one originally used to compute the quota. If speckled trout is the most important recreational fish why are we taking it away from the recreationals and giving it to the commercials. One thing is obvious. We can't take another summer like this past one. The fish can't take it and the potential for a dangerous confrontation is just to great. I make all these points to put the action that we are considering today in the proper perspective. It is not the power play of one user group over the other, it is not the test of one group's political strength over the strength of another, rather it is the action of those people who have been lawfully charged with the authority and responsibility to manage Louisiana's fisheries resources. It is an action which I am sure all will take after considering all aspects of the problem, biological, economic and social. It considers historical characteristics of the fishery, the enforcement realities of managing the fishery, and the need to resolve a growing conflict. This Commission will not be acting in the dark. The trout profile and stock assessment released by the department provides a good look at the fishery. Scientists and agencies throughout the Gulf give testimony to the fact that the fishery does need more protection. Finally, the action operates well within the framework established in the fisheries policy adopted by the legislature earlier this year. It's aimed at providing plentiful fish populations, it takes into account historical usage, it is not merely an economic allocation, and it takes into consideration the relevent economic and social factors. While GCCA still believes that specks should be gamefish and would go even further if we were the decisionmakers, we support this proposed action as an important first step in providing greater protection for Louisiana's speckled trout fishery. And let's not

forget that this is only a first step. The Commission has the authority to continually adjust the speckled trout fishery and GCCA looks forward to a continuing effort to properly manage and conserve this valuable renewable resource. Thank you."

Mr. Clay Peltier, marine dealer, President of the Louisiana Marine Trade Association and Regional Director of Marine Retailer Association, New Iberia, LA, addressed the Commission. Mr. Peltier addressed the economic impact of the recreational fisherman on Louisiana industry. The list is never ending and it is a big industry in Louisiana. Mr. Peltier pointed out a study that was done in 1984 by LSU, Center for Wetlands Research and the annual economic impact or the annual expenditures of license, recreational saltwater fisherman is estimated to at \$487,619,000.00. The statewide annual impact of investment expenditures is \$151,000,000.00. The total annual contributions of license sold to recreational fishermen to Louisiana economy is conservatively estimated to be \$639,496,000.00. This study did not take into consideration at the time several other fields that now have a big impact and bring dollars into the state. Concluding, Mr. Peltier stated that this is a big industry, he hated to see it come down to a battle between the recreational and commercial fishermen, but thinks, like Mr. Hilzim said, we have to be concerned about the species. If the trends keep going like they are now there will be none for no one.

Mr. Glenn Cormier, recreational fisherman, Baton Rouge, addressed the Commission. Mr. Cormier pointed out that not all GCCA members are out to put them out of business. GCCA wants to protect the resource and believes the real problem that has come up is the problem of gill nets. Four states have outlawed gill nets in inside waters (California, South Carolina, Georgia and Texas). There is a movement in Florida to eliminate gill nets. The trout plan itself showed that prior to 1977 seventy four percent of the commercial fishermen preferred hook and line and the catch data showed that the poundage price in 1977 was equivalent to what it is now. Mr. Cormier stated that he was not here today to advocate that gill nets be done away with altogether but thinks if the problems cannot be resolved that maybe this suggestions should be looked at. Mr. Cormier also pointed out that there are problems on the recreational side that they are just as concerned about (catching over the limit, illegal size, etc.) but what he was more concerned was the newspapers showing the big strings of fish and stating that trout fishing is great which is not true. Everybody needs to work together and make sure that they all do what is best for the resource concluded Mr. Cormier.

Mr. Karl Turner, Executive Director, Louisiana Seafood Promotion Board, addressed the Commission. Mr. Turner questioned that while the intention of this regulation is to address certain concerns with the trout fishery the closure of the season for weekend fishing of all commercial netting activity would also impact the

menhaden fishery, the mullet fishery, the shrimp fishery and other components of the commercial fishery and was consideration given to the impact it would have on those other fisheries if not then it should be considered.

Mr. Elliot Schoest, Jr. addressed the Commission again. Mr. Schoest asked if the Commission ever thought about when the fish were spawning and make a season where the sports and commercial people cannot catch them.

At this point during the meeting Chairman Jenkins called for a five minute recess.

Resuming the meeting, Chairman Jenkins called for additional public comment before going to the Commission.

Mr. Justin Schoest, addressed the Commission again. Mr. Schoest asked if this no netting law has anything to do with shrimp trawling on the weekend? Chairman Jenkins stated "no sir". Mr. Schoest asked if it was for inside waters or outside waters. Chairman Jenkins stated that they don't control outside waters very far but to the extent that the Commission and state can control them it would be in those waters.

Mr. Pete Gerica addressed the Commission again. Mr. Gerica questioned the "no netting in the water" and what kind of nets are you talking about? Mr. Pol advised that he thinks the resolution would clear this up. Chairman Jenkins stated that there is not a motion yet but understands Mr. Gerica's question.

Chairman Jenkins asked the Commission if they had any questions or wanted to make a motion.

Mr. Foret advised that there should not be any quota, he was happy with the dates and to make it more even the recreationals should give up at least one of their months where no fishing at all should be allowed during spawning season. The fish in the water do not just belong to one group and disagrees with Mr. Hilz's statement that the trout should only be a gamefish. The fish that are out there belong to everybody in the State of Louisiana.

Captain Vujnovich advised that he agrees with Mr. Foret and goes along with no netting of speckled trout on the weekends, but this taking all nets out of the water will automatically put everybody that is in the oyster business out of the water also. Nets are used to catch oysters. Captain Vujnovich stated that he does not see too many speckled trout in Barataria Bay and if something is not done speckled trout will disappear slowly but surely. A study should be made of what is happening. Captain Vujnovich thinks the pollution of the water is causing the biggest fish kills.

Mr. Jones stated that he needed a little clarification of the nets that they are speaking of in the water.

At this point in the meeting Mr. Pol read the following notice of intent and resolution as a motion.

"This is a notice of intent. The Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana. The proposed rules and regulations are as follows: There shall be a closed season for the commercial take from Louisiana waters and a prohibition of the commercial possession including but not limited to prohibition of the possession on any vessel, possessing or fishing any seine, gill net, trammel net or hoop net of spotted trout (only thing taking into consideration) whether taken from within or without Louisiana waters and the commercial sale, barter or trade of spotted seatrout in Louisiana. There shall be a prohibition of the commercial take from Louisiana waters and the commercial possession of spotted seatrout on the waters of the state included but not limited to a prohibition of the possession during the closed season period on any vessel possessing or fishing any seine, gill net, trammel net or hoop net of spotted seatrout whether taken from within or without Louisiana waters from sunset Friday through Sunset Sunday for every weekend of the open commercial spotted seatrout season. The commercial quota for spotted seatrout shall be one million pounds. The commercial season for spotted seatrout shall be closed on the earlier date or when the staff or the Department of Wildlife and Fisheries predict the one million pound quota will be met each year. (In other words, which ever comes first.) Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period or commercial dealers and anyone other than a commercial fishermen licensed to sell, barter or exchange spotted seatrout (no other fish is involve) from possessing spotted seatrout taken legally during any open period provided that those who are required shall maintain appropriate records in accordance with Revised Statute 56:306.4. Pursuant to Revised Statute 56:322 and effective with the seasonal closure or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state other than strike nets shall be a minimum of four and one half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets. Interested persons may submit written comments on a proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the 1991 regular session of the Louisiana legislature, Revised Statute 56:6 (25) (a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission."

Upon conclusion of the reading of the notice of intent Mr. Pol advised that this is only for spotted seatrout.

Chairman Jenkins informed everyone that this was a motion on the notice of intent and asked Mr. Puckett if the motion on the notice can be made prior to the motion on the resolution.

Mr. Foret asked about the four and a half inch stretch and stated that he thought it was three and a half inch before. The bigger the mesh the worst it is going to be. Mr. Pol advised that he would have to direct that to Dr. Clark.

Mr. Puckett advised that the Commission could take action on the notice of intent at this time and added that he has one minor (grammatical) change on the wording of what Mr. Pol had read and that is to move the phrase "possession of spotted seatrout" where it would read "prohibition of the possession of spotted seatrout on any vessels possessing or fishing any seine, gill net, trammel net or hoop net...". The same change also concerning the weekend fishery. Mr. Pol advised that he would accept the change.

Mr. McCall seconded Mr. Pol's motion and Chairman Jenkins called for discussion by the Commission. Mr. Foret asked about the four and a half inch mesh. Mr. Pol asked Dr. Clark to clear this up. Dr. Clark stated that this is not a change from the current statute. When the quota has been reached currently the words that were just read come into play by statute and there is not a change. All it is saying is when the season closes that the mesh size will change to that size and that is currently in statute. Mr. Foret stated that he understood.

Chairman Jenkins called for further discussion. A gentleman from the audience asked if the weekend things was strictly involved with trout or was that all fish. Mr. Pol advised that he emphasized everytime spotted seatrout.

Mr. Harry Brown, Cameron, addressed the Commission. Asked if the motion that Mr. Pol was making included Cameron Parish. Mr. Pol advised it included the State of Louisiana.

Chairman Jenkins called for a vote on the motion of the notice of intent. The motion passed unanimously.

Mr. Pol advised that there is also a resolution that the committee is referring to the Commission, as a whole, which deals with the spotted seatrout management. Mr. Pol read the following proposed resolution as a motion.

WHEREAS, the Commission shall have sole authority to establish definite management programs and policies, and

WHEREAS, Act 157 of the 1991 Regular Session of the Louisiana Legislature revised R.S. 56:625 (a) such that the Louisiana Wildlife and Fisheries Commission is authorized to manage spotted seatrout, and

WHEREAS, R.S. 56:625 (a) requires that any rule or regulation shall have as its objective the sound conservation, preservation, replenishment and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term, or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage, and

WHEREAS, Act 708 of the 1991 Regular Session of the Louisiana Legislature includes among other requirements that conservation and management measures shall prevent overfishing while achieving on a continuing basis the optimum yield while maintaining healthy, plentiful stocks, and

WHEREAS, the Commission has the Marine Finfish Committee that has met twice in public session to review the discussion the available biological and technical data including information from the department's final draft of "A Fishery Management Plan for Louisiana Spotted Seatrout" and information from computer models created from the analysis and data contained in the plan and has recommended changes to the management of spotted seatrout in Louisiana based upon those deliberations and associated findings namely:

A) The historical commercial fishery is a fall and winter fishery, and the historical recreational fishery is a spring and summer fishery, and mostly on weekends; and

B) The one million pound commercial quota based on reported historical landings for the previous ten years that were set by legislative mandate in 1987 was increased by two hundred and fifty thousand pounds one year later with little apparent consideration of biological and technical data for spotted seatrout; and

C) Reducing the harvest of spotted seatrout would provide a biologically beneficial increase in the spawning stock relative to the size of the reduction; and

D) A reduction in the commercial harvest of spotted seatrout would potentially and indirectly increase the

recreational harvest, a shift that is likely to benefit the state economically; and

E) There is a continued problem in verifying the true extent of commercial landings; and

F) It is technically easier to provide law enforcement during a closed season; and

G) There are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space.

THEREFORE BE IT RESOLVED, the Commission directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be the enforcement surveillance, routing, checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be special phone number set up for the purpose of receiving and documenting complaints or violation. The Secretary shall give Chairman Jenkins a report on the formation of the task force within two weeks of this meeting. (See amendment to resolution on page 16.)

Chairman Jenkins asked Mr. Pol if he was going to include in the same resolution, the items covered in the notice of intent with the seasons, limits, poundages. This would need to be covered at the same time in the same resolution. Mr. Pol advised yes. Chairman Jenkins advised that it is understood that this is included in the motion with the additional provision about the enforcement section and called for a second to Mr. Pol's motion.

Mr. Pol advised that he wanted to clear up one item for everybody in the audience. The reason for this task force is the same reason that the Oyster Task Force was created. This task force is not made to just hurt the commercial fishermen, there have been many complaints that recreational fishermen were selling their catch. This task force will be for the sole purpose of enforcing the laws as written for spotted seatrout.

Mr. McCall seconded Mr. Pol motion. Chairman Jenkins called for discussion by Commission members. Captain Vujnovich asked if the task force saw someone violating a law that was not connected with spotted seatrout would they take action. It was advised that they would. Chairman Jenkins asked Mr. Puckett, Legal Counsel, if he was satisfied with the way this was handled as far as the procedure was concerned including the notice of intent and resolution. Mr.

Puckett advised that as far as the issue effectuating the notice of intent he would recommend that the resolution includes some language authorizing and delegating to the Secretary the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate the previous approved notice of intent and the final rule, including but not limited to the following of the fiscal and economic impact statements and the filing of the notice of intent and preparation of reports and correspondence to other agencies of government. Chairman Jenkins asked Mr. Pol if he would accept the addition to his motion. Mr. Pol advised he would. Chairman Jenkins asked Mr. McCall if he would accept the addition. Mr. McCall advised that he would.

Acting Secretary McInnis advised that in reviewing the language contained in the resolution it appears that the language that directs the Secretary to create and gives the instructions about how the strike force is to be created is in conflict with the existing statutory language contained in Title 56 and Title 36. While it is readily recognized the importance that the Commission has brought to mind and to everyone's attention of the regulatory authority that there is concern and the reporting of people catching small fish, too many fish, etc., Acting Secretary McInnis advised that he respectively disagrees with the Commission's method. It is the responsibility of the Secretary of the department to create and utilize any such task force and also the purview of the Secretary to assign personnel throughout the state. Acting Secretary McInnis pointed out that he has already met with the Enforcement Division and it is felt like they have a recommendation and a method to utilize the department in an appropriate manner that would solve this problem without the creation of a special task force.

Mr. Pol advised that he thinks it is the responsibility of the Commission to direct the Secretary on some things and this is why the Commission is here. If the Commission does not have the authority to direct the Secretary to do certain things then there is no reason for the Commission. Mr. Pol advised that he thinks if regulations are not put on this enforcement they will not have anything. Acting Secretary McInnis stated that he does not disagree with the intent or purpose of this but disagrees with the method being used for this. The staff has given a great deal of time and thought in resolving this problem and working towards a resolution and feels that it is their responsibility to ascertain the use of personnel within the department and respect that the Commission has given them a direction which they will follow and will do it in the manner that they feel is the best way to utilize personnel and solve the problem.

Mr. Pol informed Chairman Jenkins that he calls for the question, vote on motion. Chairman Jenkins called for the vote on Mr. Pol's motion. The motion passed unanimously.

At the end of the meeting Mr. Pol proposed to amend the prior resolution on the spotted seatrout task force. Chairman Jenkins asked Legal Counsel, Mr. Puckett if the Commission could waive the rules on this. Mr. Puckett advised that it is already an agenda item and can be brought up again.

Mr. Pol advised that after consulting with the Enforcement Division, Acting Secretary McInnis and several others he would like to amend the resolution that he presented this morning and made a motion that the changes be as follows: Where the resolution ends on "G) there are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can be reduced by separating them in time and space." that the rest of the resolution following this be struck out and insert the following:

"THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of intent to adopt rules and regulations to alter the management of the state's spotted seatrout fishery through altering the commercial quota, establishing a commercial season and setting times for commercial fishing, and

BE IT FURTHER RESOLVED, that in order to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen the Secretary of the Louisiana Department of Wildlife and Fisheries is directed to develop a plan for the enforcement of such laws and to make implementation of this plan a priority with the department and to report back to this Commission with said plan at the October Commission meeting.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent, and the final rule including but not limited to the filing of the fiscal and economic impact statement, the filing of the notice of intent, and the preparation of reports and correspondence to other agencies of government."

Chairman Jenkins advised that if he understand this correctly Mr. Pol has basically addressed the part about the task force. Mr. Pol stated "yes" this deletes all of that and leaves it up to the Secretary through the Enforcement Division.

Dr. Jerry Clark requested from Mr. Pol, to make sure that the department has a permanent and complete record of the motions made this morning, to insert his documents into the records, all the documents Mr. Pol read from today. Mr. Pol advised he would.

Chairman Jenkins called for a second on Mr. Pol's motion. Mr. Schneider seconded the motion. Chairman Jenkins called for discussion. There being none he called for the vote on the motion. The motion passed unanimously.

Chairman Jenkins called for a recess for lunch and advised that the meeting will reconvene at 1:30 p.m., September 5, 1991.

Chairman Jenkins reconvened the September 5th Commission meeting at 1:30 p.m. and went to Item #12.

A report on the Fish Kills was given by Mr. Gary Tilyou. Mr. Tilyou reported that he has the pleasure of serving on the Department of Agriculture Fish Kill panel. The information being presented today is not concerning every fish kill in the state but rather what the panel has looked at. This panel was formed after a series of fish kills this summer. Preliminary investigations indicated that there were some pesticides present in the water. The first meeting of the panel was July 25, 1991, and there have been three other meetings since that time. Other members on the panel include the U.S. Fish and Wildlife Service, Cooperative Extension Service, Soil Conservation Service, Department of Public Health and the Department of Environmental Health Services. Four objectives were decided on at the first meeting. The first objective was to collect and assess all possible data on the fish kills and on information concerning oxygen and azinphos methyl. The second objective was to evaluate the response procedures of the departments that were handling fish kills. The third objective was to identify the causes of the fish kills if possible. The fourth objective was to provide recommendations concerning protocol, use of the herbicide, etc. Mr. Tilyou pointed out that the packages that he gave to the Commissioners shows a map with the locations of the fish kills. The numbers on the map correspond with the numbers in the table in the package. Most of the fish kills that the panel looked at were located in the southern part of the state. There was a large concentration around Iberia Parish. The second page gave some general information on the toxicity of azinphos methyl to aquatic organisms and Mr. Tilyou went on to explain exactly what it meant. Black crappie are very susceptible to the chemical and will die at three parts per billion whereas a species of catfish will take over three thousands parts per billion. This was used as one of the criteria in trying to determine the cause of the fish kills. At one time catfish farmers and aquaculture people in Alabama were considering using this chemical to remove trash fish from their catfish ponds. Mr. Tilyou stated that fish exposed to this chemical will swim erratically, often in circles, and there will be an extreme forward position of the pectoral fin. This was another criteria used in trying to determine the cause of the fish kills. The last group of pages in the package is a table and is the incident by incident results pointed out Mr. Tilyou. This gives the water body, the date

reported, the DO levels, chemical levels, species killed, number killed, behavior, etc. When the panel was trying to make their determinations they looked at the DO level, chemical level, species killed and the behavior. The final report is not finished at this particular time stated Mr. Tilyou and pointed out that he should be receiving a draft within a couple of days after which time the panel's conclusions will be on each incident.

Chairman Jenkins asked if any of the Commission members had any questions. Chairman Jenkins asked if Mr. Tilyou knew what Wildlife and Fisheries authority is to pursue action against people that might have perpetrated the fish kill. Mr. Tilyou advised that Dr. Clark should address this. Dr. Clark stated that they are in fact pursuing that very question. There is statutory authority for the department to collect civil restitution from anyone who does so much as harm fish and wildlife resources of the state. There is one serious difficulty with the statute. This is that the people who are subjected to the civil penalties must have broken a law or a rule or a regulation of some governmental unit whether it be a state law or a federal law. Once they have been cited and it can be demonstrated in court that they caused that harm the department can collect civil penalties. Letters have been sent to the Department of Environmental Quality and the Department of Agriculture asking them specifically about cases made in these situations relative to these fish kills advised Dr. Clark. To date the department has been notified of one case that has been made by DEQ and it is being investigated whether or not this case can be used by the department in any one of the particular kills. Dr. Clark believes that in looking at the information on hand the hundreds of thousands of fish that were killed this summer, many by pesticide, the department will not be able to collect on. The reasons for this is: 1) finding an individual who is particularly responsible will be difficult; 2) a lot of the activity that went on that killed fish was probably very legal; 3) as long as it is a legal act the department's statute does not allow for collection on these situations. Under the current rules, regulations and statutes if this happens again next year the department will probably be in the same situation. Chairman Jenkins recommended that some kind of legislation be addressed next year and asked if what Dr. Clark is trying to say is that the department cannot prosecute or pursue these cases on its own irrespective of what the Department of Agriculture or somebody else does. Dr. Clark advised that the way he understands it is that the department does not have any regulatory authority over these chemicals; the Department of Agriculture has it over these chemicals. Chairman Jenkins asked if Acting Secretary McInnis could add to this. Acting Secretary McInnis advised that Dr. Clark is correct and the department's regulatory authority does not extend to the utilization of these pesticides. In drafting the legislation that is in place today there was a great deal of discussion as to who did the civil restitution penalty apply to. It was felt in order to make this work and be accepted by the public that someone had to be at fault

before a penalty could be collected for what had taken place. The burden of proof would be the activity that a person is participating in was in violation of some regulation or law. Chairman Jenkins commented that apparently there has to be some problem with the existing regulation because there are a half of million fish killed and nobody killed them. Acting Secretary McInnis advised that Mr. Tilyou's committee is looking into the existing guidelines to see if whether or not they need to be modified.

Dr. Clark explained that as he understands, one of the preliminary conclusions that the committee reached was, as a group, ask the EPA to review their label instructions to see whether or not they should be changed giving these instances. Chairman Jenkins asked if the case the department is looking into is the case against the crop duster. Dr. Clark advised "yes" and DEQ were the ones that cited him. Chairman Jenkins stated that DEQ can cite this even though it is under the purview of the Agriculture Department and the Wildlife and Fisheries can't. Dr. Clark pointed out that there is a representative from the Department of Environmental Quality attending the meeting and maybe they can answer that question. Mr. Schneider asked Mr. Puckett if there was a statute on the books for "want and waste" that could be used? Mr. Puckett commented that there is a statute for "want and waste" but thinks it just applies to commercial fishermen. Mr. Schneider stated that he thought it was for everything. Mr. Puckett advised that there wasn't a universal "want and waste" clause and the department's law enforcement officers were given general enforcement powers which means generally speaking they enforce fish and wildlife laws but have been given through statute the enforcement powers of other law enforcement agencies so they could write the same sort of citations that a State Policeman or somebody else could. This would require some knowledge on their part of the particular law they were writing up. Mr. Puckett pointed out that beyond this Dr. Clark's outline of what the departments abilities would be legally is correct. Aside from possibly one of the department's officers writing the citation it would still be prosecuted by another agency. The department's only cause of action would be a civil one for the restitution of the fish or the animal for its value which require the underlying basis that some federal or state law regulating fish or wildlife has been broken.

Ms. Barbara Romanowski with DEQ addressed the Commission and informed them that DEQ has issued one compliance order with a penalty notice to a facility named Segura Flying Service located in Vermilion Parish. This is the only enforcement action that has been taken. The citation was for a violation of the Water Pollution Control Act for a discharge to waters of the state without a permit. This is a violation of a rule or a statute advised Mr. Romanowski and this is all DEQ has done. Chairman Jenkins asked if DEQ was involved in the case at Grosse Tete. Ms. Romanowski stated that the one she knows about in Grosse Tete was

the spraying of the subdivision and did not involve a fish kill. Chairman Jenkins thanked Mr. Romanowski and asked Mr. Jesse Fontenot if he wanted to comment.

Mr. Fontenot, Morgan City, stated he had a question for the people from DEQ and asked about the spraying of the chemical 2-4-D-T along Highways 70 and 90 and why is the state allowed to continue spraying the highways instead of cutting the grass. The DEQ personnel stated that this is not regulated by DEQ but by the Department of Agriculture. Mr. Fontenot stated that he thinks DEQ needs to look at this.

Mr. Jones stated he would like to know who is going to do something about this issue and when. Dr. Clark advised that the department has sent letters to DEQ and Department of Agriculture asking them what, if anything, they are going to do. Mr. Jones asked what kind of response has been received. Dr. Clark stated that to date a package of materials has been received from the Department of Environmental Quality telling the department about the citation that they made. The Department of Agriculture has sent only a package of data. A second letter to the Department of Agriculture has been drafted "saying thank you very much for you data, it is in fact what we asked you for, but we also asked you if you were going to take any citation or legal action against anyone else which you did not answer". Mr. Jones suggested that they come back next month and report on this. Chairman Jenkins stated that suited him. After a short discussion on who made the chemical Mr. Schneider asked if anybody from the Department of Agriculture was attending the meeting. Dr. Clark advised that in their defense they were asked very late to come to today's meeting and apparently they were unable to do so. Mr. Schneider asked if the department could not communicate with them and ask them for more specific information. Mr. Jones stated that he would love to ask Mr. Odom to provide this specific information and asked Acting Secretary McInnis to do this. Acting Secretary McInnis advised they would. Dr. Clark pointed out that he does not know what the department would do with this specific information because they do not have authority to do anything. Concluding, Mr. Jones and Mr. Schneider both commented that the public needs to know of the problems in this area and somebody needs to deal with this.

Chairman Jenkins called on Mr. Jones pertaining to the full Report and Update on D.A. Reporting. Mr. Jones asked Acting Secretary McInnis to bring the Commission up-to-date on this. Acting Secretary McInnis advised that this report is in response to Mr. Jones' request. From time to time information has been given as to where the program stood. In the last several weeks Acting Secretary McInnis has met with Major Candies in the Law Enforcement Division who works very closely with the return copies of the disposition copies (blue copy) of the reporting system. These copies are sent back to the department and the information is put into the system. A simpler way was developed for the D.A's to

respond back to the department by using a computer to ascertain what citations had been sent to them for a given time frame. After this was sent to them they would put information as to the status or disposition of the case and send it back to the department. This has now been done three times (three month time frame). The first time it was sent out there were no response from seven D.A.'s representing thirteen parishes. The second time frame, responses were received from all but six D.A.'s representing ten parishes. The last time frame, after working with the D.A.'s Association and making modifications (six month time frame), responses were received from all but four D.A.'s in seven parishes but actually you are down to one D.A. in one parish because three of those representing six parishes were brand new and simply did not have the information when they walked in the door to give to the department. Acting Secretary McInnis commented that he was extremely pleased with the response that the department has gotten as far as getting the reports back and asked Mr. Al Brown, Computer Section, to update the Commission on what the department is going to be working towards as far as getting on the computers so that data can be analyzed. The department does have the reports and they are available for review. Major Candies has spent a great deal of time going through these reports and the next step is to get them on the computer system.

Mr. Brown reported that shortly after assuming the position of Computer Center Manager, Acting Secretary McInnis met with him, Col. Vidrine, Major Candies and other to discuss this very issue. The existing automated system for capturing information off of citations and tracking it all the way through dispositions was examined. It was found that there was not much. The original system was designed to just capture the information on the tickets that were issued. It was not planned to ever track them all the way through dispositions. Over the years it had been modified a little bit at a time. Because of the inherent problems of what the department already had it was decided that the department could not get a working system without someday starting over. A decision was made at that time that this would have to be done. With the acquisition of the new computer the department has the capability to tackle this process. Early in the year there were many meetings with the Enforcement staff. Meetings were conducted with regional secretaries, communications people, etc. to get their input to come up with a good overall method of processing citations so that they could be tracked and rap sheets produced which would show first, second, third, etc. offenses. The design has been finished and programming has been occurring for the last two to three months. This is to be implemented October 1, 1991. All of the existing reporting capabilities are being maintained for age and evaluation. A new citation form has been developed which will include the ability for agents to issue up to three violations per ticket as opposed to the past where there was one violation to the ticket. Hopefully this will reduce the volume of paper involved. The entry and retrieve of the information will be able to occur at any of the

office throughout the state. Mr. Brown pointed out that the present system was never designed or intended for use of automotive equipment to track these violations but come October 1, 1991, the capability will exist. As far as capturing the information from the D.A.'s in an automotive method all the potential in this area has not be concretely addressed. A survey has been developed that will be presented to the District Attorney's Association, in the near future, attempting to solicit information from them on how they can report these dispositions to the department in a magnetic format. As far as the information that has been captured in the last three months it would be possible to enter some of this information but a lot of it would be almost impossible because it is not of a consistent type format. Concluding, Mr. Brown advised that this is what the system will be as of October 1, 1991.

Chairman Jenkins asked Mr. Brown when did he come to work for the department. Mr. Brown stated that he assumed the role of Computer Center Manager about the first of December of 1990 and has been with the department since the first of February of 1990. Chairman Jenkins went on to explain to Mr. Brown what the Commission was trying to accomplish with this reporting system. They have been trying to get this done for at least two years stated Chairman Jenkins and asked Mr. Brown when will there be a report showing the disposition of tickets in Cameron Parish and whether or not the District Attorney is prosecuting the cases or not. Mr. Brown answered October 1st the new system will be implemented and anything that is in the mill at that time will be available depending when it is turned back in and put in the computer. Each regional secretary will have the ability to input from her office the dispositions that she gets back from the court. As soon as the information is there it can be produced advised Mr. Brown. Mr. Jones stated that it was his intention, at this Commission meeting, to be able to have a report showing each D.A.'s disposition of most of the critical cases and asked when is it going to be done. Mr. Brown commented that this is exactly what he is saying, the system from the Computer Center's standpoint goes into effect October 1st and as soon as the data is there, which is the responsibility of the regions, the center will report what is there. Mr. Jones stated that there will be another D.A. report at the October Commission meeting. Mr. Brown advised that in October there will be very little data for the October meeting. Mr. Jones stated that he would like to have a little bit of information in October as opposed to the same story three or four times over the course of two years that we are going to have something. Acting Secretary McInnis explained that what Mr. Brown is saying is that in order to put it in a format that the computer can produce they have now developed a program to do that. The hard copies have been and continue to be available for your inspection, and anybody else, that would like to see them. Chairman Jenkins asked Mr. Brown if he could take the hard copies and make the kind of report that they are talking about now? Acting Secretary McInnis stated not without putting every item into the system and someone has to sit down and

encode this into the system. Mr. Brown commented that the sheer volume of capturing this information by data entry persons in this office would require adding additional personnel. This would be the only way that it would be physically possible to get it done. The system that is being put into place will have the possibility to capture that information in the individual regions from magnetic media from the D.A.'s as well as here. The doors have been opened for the capturing of the information. Chairman Jenkins advised that they would like a report or another update for the next Commission meeting.

Mr. Jones further called for an Update on Collection of Civil Penalties. Mr. Jones commented that he thinks there is some more information out there that really needs to be gathered to help make a complete conclusion on how the civil penalties are doing. At this point Mr. Jones advised that he would like this item to be moved to next month's agenda as a top priority along with the hard copy D.A. report to get some kind of information.

The Rule for Gamefish Fingerling Aquaculture/Rules and Permits was presented to the Commission by Mr. Bennie Fontenot for ratification. Mr. Fontenot advised that the Commission had before them the permit rules that allows a fish farmer to raise and sale gamefish fingerlings for stocking ponds and private waters. The notice of intent was passed unanimously by the Commission at the May meeting. Mr. Fontenot stated that he would be glad to answer any questions. Chairman Jenkins called for a motion to adopt the rule. A motion for adoption was made by Mr. Schneider and seconded by Mr. McCall. Chairman Jenkins called for discussion. There being none Chairman Jenkins called for vote. The motion passed unanimously. Mr. Jones questioned Mr. Fontenot about gamefish that are air freighted in and out of the state. Mr. Fontenot explained that this rule is for resident gamefish farmers and anytime live fish are brought into the state for release in waters they need a special letter of permission from the Secretary of the department.

(The full text of the rule is made
a part of the record)

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

The Louisiana Wildlife and Fisheries Commission hereby establishes rules that will allow a Louisiana resident to raise and sell live gamefish fingerlings for stocking purposes.

TITLE 76 WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE
CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING
SECTION 159. GAMEFISH FINGERLING AQUACULTURE - RULES & PERMITS

A. A fish farmer raising and selling live gamefish fingerlings must obtain an annual fish farmers certificate (license) and gamefish farmers permit issued by the Department on a calendar year basis.

B. Live gamefish fingerlings sold from an approved fish farm shall be subject to all applicable statute and rule limitations if any.

C. A fish farmer raising and selling live gamefish fingerlings must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

D. A fish farmer raising and selling live gamefish fingerlings must submit to the Secretary of the Louisiana Department of Wildlife and Fisheries an annual report delineating the type and number of fish species produced, dates stocked, and the specific location sites where stocked such that the Department will be able to find the stocking areas at a later date. The deadline for submission of the annual report will be no later than one month after the reporting year has ended.

E. Gamefish farmers transporting gamefish fingerlings for sale must notify the Enforcement Division as per L.R.S. Title 56 and must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

F. All trucks transporting gamefish fingerlings for sale must have the words "GAMEFISH FARMER" prominently displayed with a minimum of three (3) inch block letters.

G. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

H. Gamefish fingerlings produced and distributed shall be certified disease and parasite free.

I. Genetic purity shall be maintained and gamefish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the Department.

J. The Secretary may revoke any or all permits issued for the raising and selling of gamefish fingerlings if the permittee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(1)(b) and (A)(2).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (September 1991).

James H. Jenkins, Jr.
Chairman

Ms. Karen Foote presented a Resolution/Notice of Intent on Confidentiality of Fisheries Department Data to the Commission. Ms. Foote advised that the Commission has before them a notice of intent which describes a system to keep the fisheries dependent information collected by the department or other agencies, which is accessible to the department, confidential. Ms. Foote presented a resolution and read the "Therefore Be It Resolved" portion of the resolution. Mr. Pol stated that he thought the Commission had already did this at one time. Ms. Foote explained that there is another regulation where there is confidentiality of the monthly landing reports and this is confidentiality of all fisheries dependent data. This regulation will keep the information from the trip ticket system confidential. Mr. Pol asked about the wording and if this information will be available to the Commission. Ms. Foote advised that as stated in the notice of intent it is available to the Commission. Chairman Jenkins called for a motion on the resolution. A motion was made by Mr. Pol for adoption and seconded by Captain Vujnovich. The motion passed unanimously. Chairman Jenkins called for a motion on the notice of intent. A motion was made by Mr. Pol for adoption and seconded by Captain Vujnovich. The motion passed unanimously.

(The full text of the resolution is made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
CONFIDENTIALITY OF FISHERIES DEPENDENT DATA

WHEREAS, Louisiana Revised Statute 56:301.4 requires the Louisiana Department of Wildlife and Fisheries to draft regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics for approval by the Louisiana Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedure Act, and

WHEREAS, confidentiality of fisheries dependent data assists in obtaining proper reporting necessary for fisheries management,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics submitted or collected in accordance with this section of the law. The Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

James H. Jenkins
Chairman

A. Kell McInnis, III
Acting Secretary

(The full text of the notice is made
a part of the record)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to preserve the confidentiality of all fishery dependent data, information, or statistics submitted to or collected by the Department of Wildlife and Fisheries, its agencies or instrumentalities.

Title 76

Wildlife and Fisheries

Part I. Wildlife and Fisheries Commission and Agencies Thereunder
Chapter 3. Special Powers and Duties

Subchapter F. Confidential Fishing Data

§ 321. Records; Confidentiality

All fishery dependent data collected or otherwise obtained by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission in the course of their duties and other landings data collected by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission are confidential and are not to be divulged, except in aggregate form, to any person except employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission or the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business or any such person. Neither employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries nor members of the Wildlife and Fisheries Commission will voluntarily release confidential information to another person, firm, or state or federal agencies, except NOAA/NMFS as stated above, and to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. Neither the Louisiana Department of Wildlife and Fisheries nor its instrumentalities nor members of the Wildlife and Fisheries Commission will disclose confidential statistics under court order without specific approval by the State Attorney General's Office. These rules and regulations provide for compliance with all procedures set forth by the United States Department of Commerce, or its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies or instrumentalities. Employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission who have access to confidential statistics shall be subject to the provisions and penalties for unauthorized disclosure.

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (1992).

James H. Jenkins, Jr.
Chairman

Mr. Hugh Bateman presented an a Resolution and Emergency Declaration for the Ratification of Waterfowl, Rail and Gallinule Hunting Seasons/1991-92. Mr. Bateman reported that in reference to the problems the state has with fish kills these problems also extend to wildlife. Recently Mr. Bateman attended a meeting of the Southeastern Disease Cooperative Unit in Athens, Georgia, where a specific item came up about the application of a pesticide (carbon furin) that is used on corn on thousands and thousands of acres. The pellets that are put out to control an insect were killing thousands of game birds, small turkeys, quail, and other animals such as mink, raccoons that were eating the dead birds thus dying from secondary poison. A fish and game agency got in touch with the EPA who came to the rescue because of their regulatory authority over such things. There was a big investigation and through these actions the pesticide was pulled off of the market until a more thorough investigation could be made on how the material is put out. Mr. Bateman stated that with the mix of agriculture and the importance that agriculture has on fish and game he appreciates what the Commission is doing in their interest in making sure that this is attended to.

Mr. Bateman went on to advised that in August at the meeting tentative dates were presented on waterfowl, rails, and gallinules and made public. Before the Commission today is a resolution/declaration of emergency that will put these seasons in motion in terms of adoption and allowing the department to announce them to the Fish and Wildlife Service so that they can be printed in the Federal Register. Chairman Jenkins asked if the dates had changed any. Mr. Bateman answered "no sir" and there are no recommendations from the Game Division that would change any of the dates. Very little public comment was received other than on the Catahoula Lake special duck hunting zone issue expressing some concern about the advisability of this. The department has responded to these through Acting Secretary McInnis' signature. Game Division personnel have met with the Enforcement Division and discussed the enforceability of the regulation and the fact that there will be a gray area in terms when the water is high on the lake whether you are on or off the lake. Some concern was expressed by the Fish and Wildlife Service on this issue and for this first year signs will be provided at the major access water points coming into the lake that say "You Are Entering the Catahoula Lake Zone" advised Mr. Bateman. This will help clarify for people coming into the lake by boat whether the season is opened or closed. In addition to this the department has agreed to look at the boundary of the lake in terms of marking some kind

of permanent boundary around the lake for next year. Mr. Bateman advised that he would be glad to answer any questions. Chairman Jenkins asked Mr. Bateman to read the "Therefore Be It Resolved" portion of the resolution. Mr. Bateman concurred. Chairman Jenkins called for a motion on the ratification of the hunting seasons. A motion for adoption was made by Mr. Jones and seconded by Mr. Schneider. Chairman Jenkins called for discussion. There being none he called for a vote. The motion passed unanimously.

(The full text of the resolution is made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, September 5, 1991.

- WHEREAS, Hugh A. Bateman, Administrator of the Game Division, has attended public hearings in Washington, D.C. on upland migratory birds and waterfowl, and
- WHEREAS, the results of this meeting has been discussed with the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, rules and regulations governing migratory bird season framework have been developed by the U.S. Fish and Wildlife Service, and
- WHEREAS, the Louisiana Department of Wildlife and Fisheries staff have presented recommendations for migratory species including season dates, bag limits and shooting hours, and
- WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for migratory species within the constraints of the U.S. Fish and Wildlife Service framework, now
- THEREFORE BE IT RESOLVED, that on this date, the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours by Declaration of Emergency, and
- BE IT FURTHER RESOLVED, that this Declaration of Emergency will be in effect beginning November 1, 991 and shall extend for a period 120 days,

BE IT FURTHER RESOLVED, that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulation set for the Louisiana's 1991-92 Migratory Bird Hunting Regulations.

A. Kell McInnis III
Acting Secretary
LA Dept. Wildlife & Fisheries

James H. Jenkins, Jr.
Chairman
LA Wildlife & Fisheries Comm.

(The full text of the emergency declaration is made a part of the record)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the Emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

The hunting Seasons for ducks, coots, geese, rail and gallinules during the 1991-92 hunting season shall be as follows:

Ducks and Coots (Closed Season on Canvasbacks)

West Zone:	Nov. 16 (Sat.)-Dec. 6 (Fri.)	21 days
	Dec. 28 (Sat.)-Jan. 5 (Sun.)	9 days

East Zone:	Nov. 23 (Sat.)-Dec. 1 (Sun.)	9 days
	Dec. 16 (Mon.)-Jan. 5 (Sun.)	21 days

Experimental Catahoula Lake Zone (NEW) -
Nov. 23 (Sat.)-Dec. 22 (Sun.) 30 days

All of Catahoula Lake including those portions known locally as Round Prairie, Catfish Prairie and Frazier's Arm.

Daily Bag Limit: The daily bag limit on ducks is 3 and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser.

Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and mergansers is twice the daily bag limit.

Geese:	Statewide	
	Nov. 16 (Sat.)-Dec. 7 (Sat.)	22 days
	Dec. 14 (Sat.)-Jan. 30 (Thurs.)	48 days
	Jan. 31 (Fri.)-Feb. 9 (Sun.)	10 days (Snow geese only)

Daily Bag Limit: Daily bag limit is 7 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies) except as noted below. During the last 10 days (Jan. 31-Feb. 9), only blue and snow geese may be taken. During the Experimental Canada Goose Season (Jan. 22-Jan. 30) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

Experimental Canada Goose Season - Jan. 22 (Wed.)-Jan. 30
(Thurs.) 9 days

An experimental Canada goose season will be open in a portion of southwest Louisiana. The area shall be described as follows:

Easterly from the Texas line along Hwy. 12 to Ragley; then easterly along U.S. 190 from Ragley to its junction with I-49 near Opelousas; then south along I-49 to its junction with Hwy. 167 near Lafayette; then south along Hwy. 167 from Lafayette to its junction with Hwy. 82 at Abbeville; then south and west along Hwy. 82 to the Intracoastal Waterway at Forked Island; then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel; then south along the west side of the Calcasieu Ship Channel to Hwy. 82 at Cameron, then westerly along Hwy. 82 to the Texas State line. All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward.

A special permit shall be required to participate in the Experimental Canada Goose Season. A permit is required of

everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from the Lake Charles, Opelousas and Baton Rouge Offices.

Return of harvest information requested on the permit is mandatory. Failure to submit this information to the Department by February 15, 1992 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year.

Rails - Nov. 16-Jan. 20

King and Clapper - daily bag limit is 15 in the aggregate, possession 30.

Sora and Virginia - daily bag and possession limit is 25 in the aggregate.

Gallinule - Nov. 16-Jan. 20. Daily bag limit is 15, possession 30.

Shooting Hours: 1/2 hour before sunrise to sunset.

This Declaration of Emergency will be in effect beginning November 1, 1991, and shall extend for a period of 120 days.

James H. Jenkins, Jr.
Chairman

Continuing, Mr. Bateman presented Resolutions on Land Acquisition/Sicily Island Hills WMA. Mr. Bateman presented two resolutions on land acquisition in the Sicily Island Hills Wildlife Management Area. A map was passed out to the Commission showing the areas.

One of the areas is made up of forty acres that currently belongs to the International Paper Company. This is an inholding within the wildlife management area. This has been discussed with the members of the Commission and they authorized the department to go forward. The purchase price agreed to is two hundred dollars an acre with a total price of eight thousand dollars. Mr. Bateman read the "Therefore Be It Resolved" portion of the resolution. Chairman Jenkins called for a motion on the resolution. A motion for adoption was made by Mr. Pol and seconded by Mr Foret. The motion passed unanimously.

The other area is an adjacent holding of one hundred and eight acres that belongs to a private individual. The price agreed to is two hundred dollars per acre with a total price of twenty one thousand six hundred dollars. Mr. Bateman read the "Therefore Be It Resolved" portion of the resolution. Chairman Jenkins called

for a motion. A motion was made by Mr. McCall for adoption. The motion was seconded by Captain Vujnovich and passed unanimously. Mr. Bateman advised that if there were any questions on the land acquisitions he would be glad to answer them. Mr. Bateman commented that the department will be coming to the Commission with numerous other small parcels on Sicily Island Hills WMA that are available for sale at reasonable prices that will add materially to the manageability of this public area. The Sicily Island Hills WMA is approximately seven to eight thousand acres and is a key wild turkey trapping area for the department. Several hundred birds have been moved off of the area for restocking purposes. The department does not allow turkey hunting on the area which allows the turkey flock to provide birds for restocking all over the state. Mr. McCall asked how many tracts of land in Louisiana were available to the department for purchase. Mr. Bateman guessed that there would be upward to ten, twelve, fifteen million dollars worth of property that is currently available from willing sellers. Mr. McCall asked how many tracts were the department negotiating for. Mr. Bateman answered dozens and advised that there are nine tracts just on the Sicily Island Hills, small inholdings, which will be coming before the Commission. Mr. McCall asked if there were any others areas of interest besides Sicily Island. Mr. Bateman advised that there were areas in Tensas Parish, Concordia Parish, Catahoula Parish, Natchitoches Parish, West Feliciana Parish, St. Tammany Parish, etc. Chairman Jenkins asked about the land which was just purchased on the outside of area creating another inholding. Mr. Bateman explained that the reason for this was that the land was available for a good price and there are adjacent tracts that will make it better once they are obtained. Mr. Jones stated that once again he believes they need to bring up the fact that this is the first time in years and years that the Commission and department has gone into an aggressive land purchase for the State of Louisiana for wildlife management areas and thinks congratulations are in order. Concluding, Mr. Bateman added do not pass up the opportunity to extend that congratulations to the sportsmen of the state because a lot of the money is coming from license sales that is going to go into the purchase of some of this property.

(The full text of the resolution is
made a part of the record)

RESOLUTION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES LOUISIANA WILDLIFE AND FISHERIES COMMISSION

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held at Baton Rouge, LA, September 5, 1991.

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both

recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 40 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both International Paper Co. and this Department, and

WHEREAS, the purchase price which has been agreed upon is \$8,000.00. One hundred dollars (\$100.00) has been previously paid for an option on this property with the balance due at closing between seven thousand ;nine hundred (\$7,900.00).

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVE, that the newly acquired lands be included and made part of the Sicily Island Hills WMA which has previously been Proclaimed by the Governor.

A. Kell McInnis III
Acting Secretary
LA Dept. Wildlife & Fisheries

James H. Jenkins, Jr.
Chairman
LA Wildlife & Fisheries Comm.

(The full text of the resolution is made a part of the record)

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held at Baton Rouge, LA, September 5, 1991.

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 108 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both Mr. John Weston and this Department, and

WHEREAS, the purchase price which as been agreed upon is \$21,600.00, twenty one thousand six hundred dollars.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED, that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.

A. Kell McInnis III
Acting Secretary, LA Dept. of
Wildlife and Fisheries

James H. Jenkins, Jr.
Chairman, LA Wildlife and
Fisheries Commission

Mr. Tommy Prickett presented the Alligator Rule Change for Ratification to the Commission. Mr. Prickett advised that he was coming before the Commission for ratification of the alligator rule change which was approved at an earlier meeting (April). Changes were encompassed in the reporting requirements for alligator farmers. They now have ten days to report any alligator transaction. The length of time to release alligators back into the wild is now specified to two years. The minimum size of the alligators being released back into the wild has changed from forty eight inches down to thirty six inches with a variable percentage rate based on that size. The dates for releasing alligators back into the wild have also been changed. It was changed from April 15 - September 15 to March 15 - September 30 if environmental conditions are correct. Mr. Prickett asked if there were any questions. Chairman Jenkins asked if the fifty percent female was already in there. Mr. Prickett answered that is correct. Chairman Jenkins called for questions. There being none Chairman Jenkins called for a motion to adopt the rule. Mr. McCall made a motion to adopt the alligator rule change. The motion was seconded by Mr. Schneider. Chairman Jenkins called for discussion. There being

none he called for a vote on the motion. The motion passed unanimously. Mr. Schneider asked Mr. Prickett how the alligator season was going. Mr. Prickett advised that it opened August 31 and the first couple of days the weather was fairly warm. Hunters contacted in southwest and southeast Louisiana were very successful. After the rains came and temperatures moderated the catch fell off a good bit in the last couple of days. If the weather clears up and the temperatures rise the alligators should get more active and the catch should pick up again commented Mr. Prickett. Mr. Prickett went on to advise that with everything that is going on in the industry right now that is affecting the alligator hunters the number one concern is price. Most of the hunters are very disappointed in the prices that are being offered. Hopefully after the Paris Leather Show on September 20 the prices may rise. Mr. Schneider asked about the prices. Mr. Prickett advised that he hates to send out any misinformation because he has heard prices depending on quality of the skins. The prices range from thirty to forty dollars a foot whereas last year it was fifty to sixty dollars a foot. Some buyers are not even making the offers on four and five foot alligators. This is a real concern to everybody in the industry. Mr. McCall asked if the prices quoted were for seven and eight foot alligators. Mr. Prickett stated that was correct and added that there was one large sale that took place that was thirty one dollars across the board for all the alligators harvested. Mr. Schneider asked if we were reaching the point where the supply was more than demand. Mr. Prickett answered that we are there in this year's market. Mr. Prickett advised that the department will be coming back to the Commission to make some more changes to the alligator rule. There were a couple of laws passed in the last legislative session that will go into effect shortly and the department's rules need to come in line with them. These will be small technical changes.

(The full text of the rule is made
a part of the record)

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries does hereby amend and adopt the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

TITLE 76 WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

Section 701. Alligator Regulations

* * *

K. Report Requirements.

* * *

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

* * *

N. Alligator Egg Collection.

* * *

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between March 15 and September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for

release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December 1990), Amended L.R. 17: (September 1991).

Continuing, Mr. Prickett presented a Resolution for Setting the 1991-92 Trapping Season and Reaffirming the Nutria Control Cost Share Program. Mr. Prickett advised that he is asking the Commission to do two things with this resolution. One is to adopt the trapping season dates for 1991-92 and reaffirm the nutria control cost share program. The two will be incorporated through the provisions of the declaration of emergency through the Administrative Procedure Act so they will both go into effect on the same day. Dates for the north zone are November 20, 1991 through February 15, 1992. Experimental season in the north zone only February 16, 1992 through March 15, 1992, soft catch only. The department will be evaluating the effectiveness of soft catch traps. It appears that in the future to export fur products out of the United States the methods of trapping will have to be changed and soft traps are one of the things the department is looking at. Dates for the south zone are December 1, 1991 through February 29, 1992. Interstate 10 from the Texas State line to Baton Rouge, Interstate 12 from Baton Rouge to the Slidell, then Interstate 10 from Slidell to the Mississippi State line will be the dividing line for north and south zones. Chairman Jenkins asked Mr. Prickett to read the "Therefore Be It Resolved" portion of the resolution. Mr. Prickett concurred. Chairman Jenkins called for a motion on the resolution. Mr. Pol made a motion to adopt the resolution. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for discussion. There being none Chairman Jenkins called for a vote. The motion passed unanimously.

(The full text of the resolution
is made a part of the record)

RESOLUTION

La. Wildlife and Fisheries Commission
September

WHEREAS, the promulgation of a trapping season for the taking of furbearers is a wise use of a renewable natural resource; and

WHEREAS, biological data has determined that population s of furbearing animals are at or above carrying capacity and

that surplus animals taken by legal trapping have no adverse impact on those populations; and

WHEREAS, in certain areas of Louisiana nutria are above carrying capacity and causing damage to marsh habitats and in recognition of this damage the 1990 Legislature and this Commission approved a Nutria Control Cost Share Program to assist in reducing this damage to valuable marshes; and

WHEREAS, the Fur and Refuge Division recommends an open trapping season for 1991-92 as follows:

North Zone: All furbearers, November 20, 1991 through February 15, 1992

Experimental Season: February 16, 1992 through March 15, 1992. Soft catch only (Padded trap)

South Zone: All furbearers, December 1, 1991 through February 29, 1992

The boundary between North and South Zones shall be Interstate Highway 10 from Texas state line to Baton Rouge; Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi state line.

Bobcat and Otter by federal regulation must have a possession tag attached to verify origin in Louisiana at the time of sale.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt these recommended dates for the 1991-92 trapping season and reaffirms its adoption of the Nutria Control Cost Share Program.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to take any and all steps necessary to promulgate the 1991-92 trapping season and the Nutria Control Cost Share Program using the Emergency Rule Making Process as provided for within the Administrative Procedure Act.

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

Mr. Prickett continued and gave a short update on last year's trapping season. Two records were set last year. Number one the department sold the least number of trapping licenses that has ever

been sold, approximately eighteen hundred. In the mid-eighties there were at least twelve thousand sold annually. Number two, the nutria were the only fur-bearers worth mentioning that were harvested with a total of one hundred thirty four thousands animals including the thirty day extension that was granted last year. Through the mid-eighties there were well over a million nutria harvested. This is the lowest harvest on record. Chairman Jenkins asked about the "eat-out" situation. Mr. Prickett advised that the nutria cost share program will hopefully take up some of the slack. This will be a one dollar incentive paid on each nutria. This coming winter will be the first winter the program goes into effect. Mr. McCall asked about the prospect of trapping prices this season. Mr. Prickett stated there is a little bit of encouragement. Ranch mink is kind of the gold standard for fur prices and right at the end of trapping season it went up a little on the European market. After the leather show in Paris there may be a better indication of the prices concluded Mr. Prickett.

Colonel Winton Vidrine gave the Monthly Law Enforcement Report. Colonel Vidrine gave the law enforcement report for the month of August, 1991. The following number of citations were given.

Minden - Region I - 103 cases. Confiscated were 100 yards of two inch gill nets, a black bass and deer parts.

Monroe - Region II - 117 cases. Confiscated was a 1967 Chevrolet truck, electronic devices, aluminum boat, outboard motor, 13 catfish and a rifle.

Alexandria - Region III - 169 cases. Confiscated were 34 white perch, 11 black bass, catfish, freshwater drum and a seven and half foot alligator.

Ferriday - Region IV - 75 cases. Confiscated were 5 deer, 71 alligator hides, 1 twenty two rifle, 8 hoop nets with leads.

Lake Charles - Region V - 417 cases. There were 30 cases for taking undersized red drum, 12 for undersized black drum, 5 for undersized spotted seatrout. Confiscated were 108 red drum, 37 black drum, 105 speckled trout, 106 red snapper, 3,818 pounds of shrimp which sold for \$8,764, 2 shrimp trawls, squirrel, and 2,000 feet of gill net.

Opelousas - Region VI - 179 cases. Confiscated were 10 red drum, 10 trout, 9 black drum, 2 fawn deer, alligator, 42 red drum, 4 speckled trout, 1 cougar, 12 feet test trawl, gill nets, and 98 sac-a-lait.

Baton Rouge - Region VII - 348 cases. No confiscations.

New Orleans - Region VIII - 486 cases. There were 39 for possession of undersized red drum, 20 for possession of undersized

spotted seatrout, 9 taking commercial species without license, 7 leaving unattended nets, 27 for failure to report commercial fishing data, 69 for trawling in closed season, 7 for butterflying in closed season, and 2 simple assaults on an officer. Confiscated were 2,450 feet of gill net, 27 trawls, 12 test trawls, rifle, 15 butterfly nets, 77 sacks of oysters, 186 red fish, 133 speckled trout, alligator, 66 black bass, 10,545 pounds of shrimp which sold for \$14,647, 63 pounds of sheephead and 2 pounds of flounder which sold for \$63, and 67 pounds of black drum which sold for \$160.

Thibodeaux - Region IX - 709 cases. There were 47 with possession of undersized red drum, 59 for possession of undersized spotted seatrout, 17 for over the limit of red drum, 11 for taking commercial fish without a gear license, 14 for selling commercial fish without a license, 15 for taking commercial fish without a vessel license and 15 for trawling in closed season. Confiscated were 239 seatrout, 10 red snapper, 122 catfish which sold for \$69, 1,988 pounds of shrimp which sold for \$2,254, 11 trawls, 9 alligators, gill nets and 1 fish shocking device.

The Rip Tide and the Delta Tide had a total of 57 citations issued. Thirty five were for trawling in closed season. Confiscated were 58 trawls and 4,700 pounds of shrimp which sold for \$6,936.

The Oyster Strike Force had a total of 41 cases. Confiscated were 92 sacks of oyster, 8 gallons of opened oysters, 29 spotted seatrout, seized 2 boats, 4 dredges and records from 4 oyster dealers.

The total number of cases for the month of August was 2,701. Colonel Vidrine pointed out that this is the largest number of cases that he can recall for one month. The agents were very busy.

At this time Lt. Colonel Charlie Clark showed a video on patrolling the Chandeleur Island area for boats shrimping in closed season and the use of some high tech equipment to catch them which was borrowed from the Government. This equipment was used in the Desert Storm Operation. This resource will be made available by the Government when the department needs it. About eighty percent of the boats in this particular area are not resident boats violating the law. They are Mississippi and Alabama boats that have come over the line advised Lt. Colonel Clark.

Mr. McCall commented that again, as last month, there are over two hundred cases of fishing without a resident pole license and asked where were the agents finding all of these people. Lt. Colonel Clark explained that an agent is probably in a rural place where the possibility of making any other case exist. Mr. McCall stated that other things would be more important than these pole violators. Lt. Colonel Clark pointed out that in order for an agent to survive the Performance Evaluation he has to go out and write other kinds of cases. Many times an agent is sitting and

waiting for something to happen and in those time intervals they are looking for something to do, these other avenues are supplying them that. Mr. McCall said that he could understand that but the thing that he is getting at is that one of the top three things every month is resident pole violations. Lt. Colonel Clark stated to be truthful with you they are so easy to make. Mr. McCall commented that Lt. Colonel answered his question.

Dr. Clark pointed out that the state record crappie was caught on a cane pole and last year a state record largemouth bass was taken out of False River by a cane pole fisherman. These cane poles can potentially have a tremendous impact on fisheries that are very important to the state.

Mr. A. Kell McInnis III gave the Acting Secretary's Report to the Commission. Acting Secretary McInnis reported that during the course of the legislature some mandates were brought up that the department needed to address. One of these mandates that the department is working on currently is the Life Time License for hunting and fishing and should be available the first part of January. The Credit Card License for the commercial fisherman is another and will provide for radical change in the way business is done as far as license sales are concerned. Hopefully this credit card system will provide the department with the ability and information to do a much better job on the reporting system. Another mandate was to create an agreement with the Fish and Wildlife Service whereby the enforcement agents with enforcement capabilities in Cameron and Calcasieu Parishes could enforce state laws on and off the refuge in the lake area. Representative Roach who sponsored the bill has been contacted and he has spoken with the regional supervisor. Acting Secretary McInnis contacted the chief of law enforcement for the Fish and Wildlife Service and a meeting has been scheduled in the next two weeks to put this in place.

The oyster lease opening date will be on this coming Monday, September 9, and people have already started lining up. The department is trying to accommodate them the best they can. More people are expected.

The shrimp seasons were opened in Zones 1 and 2 and the alligator season also opened. The shrimp season started off very good but has slacked off. Hopefully there will be another cycle as the moon comes around. The persons working with alligators have been real busy. Egg collections have been done and the releases on the seventeen percent that is required to put back into the wild has been done. The wild season has opened with tag sales being heavy. Acting Secretary McInnis was told by one person that they had already processed nine hundred alligators with an average of over eight feet. This was in one processing plant.

Earlier today Chairman Jenkins, Acting Secretary McInnis, Mr. Puckett and Ms. Baker met with the people that received the bid on the shell dredging and signed the contract.

A meeting was held with staff in the Baton Rouge and Alexandria offices to review status of this year's legislation and get input from them as to what was needed to be done in the future.

There are several meetings going on in the very near future advised Acting Secretary McInnis. The International Association of Fish and Wildlife Agencies meets beginning tomorrow morning at 7 a.m. in Hot Springs, Arkansas. The American Fisheries Society meets next week in San Antonio, Texas. The Gulf Council is scheduled to meet the following week in New Orleans, Louisiana and the Gulf States Marine Fisheries Commission is also scheduled to meet in New Orleans later this month. There will be a Marsh Management Seminar that is scheduled for September 26-27. It will be held in the Louisiana Room at the Wildlife and Fisheries building in Baton Rouge.

The Louisiana National Hunting and Fishing Day will be coming up on September 28. There has been a lot of cooperation through the department and other volunteers to help with this program. It will be held at the Waddill tract. There is also the Mid South Game Fair that is going to be in the Bossier area which will be a three day event sponsored by the Bossier chamber and is tied around Hunting and Fishing Day. They are looking for a big turnout and the department has been cooperating with them trying to make this program get off with a good start.

Acting Secretary McInnis advised that he also has some information to pass out to the Commissioners. These are recommendations that he received from the Law Enforcement Division as to possible solutions or efforts to make toward monitoring the reporting system. A complete report, as has been requested by the Commission, will be given at next month's meeting.

Concluding, Acting Secretary McInnis advised that this is all he had and had a plane flight for 4:30. Mr. Jones asked about the mitigation shell. Acting Secretary McInnis stated that Mr. Puckett has been working on this and asked that he address this. Mr. Puckett reported that during the last conversation held with Dravo it was expressed the Commission's and department's seriousness about pursuing this and if an amicable settlement cannot be reached then litigation would be inevitable. Basically anticipating that Mr. Puckett would be directed to seek litigation. At this point an agreement is still trying to be reached and Mr. Puckett was hoping to have a proposal to submit at this meeting. This is where this issue stands. Obviously the complexion has changed somewhat by the fact that Dravo was not the successful bidder. Mr. Jones asked for a ball park figure of what the department is due. Mr. Puckett explained that the department has a specific figure of what


the department is due, a specific figure of what was proposed that would be a suitable settlement for this amount. After the bids came in and Dravo's position may have changed and they will no longer be producing shell. Dravo's negotiating position was based, in large part, on the assumption that they would continue to be a producer of shell which changed when they did not receive the bid advised Mr. Puckett. Mr. Jones again asked what was the dollar amount that the department originally requested. Mr. Puckett explained it is not a dollar but a shell amount. The projects are the Queen Bess Island, approximately forty thousand five hundred yards for two separate projects on Queen Bess; five marine fishing reefs in Vermilion, Timbalier and Pontchartrain totaling approximately fifteen thousand yards; Marsh Island, approximately thirty thousand yards; being negotiated when the bids came in was a thirteen shell oyster plant in either Black Bay or Sister Lake.

Mr. Schneider asked if there was a time limit after this contract expires, some kind of prescriptive time limit that the department and Commission has in order to get the rightful mitigation. Mr. Puckett advised any right you want to assert has a prescriptive time limit on it and thinks for the shells that are being negotiated for come well within a time limit. The hope would be that a plan can still be worked out notwithstanding the very unfavorable circumstances that have been created that both parties can live with. Mr. Jones stated that at retail value you are talking about a million seven hundred thousand dollars which is significant. Mr. Puckett stated "correct". Mr. Schneider asked if we were within thirty to sixty days of coming to some agreement because their contract is going to expire shortly. Mr. Puckett advised that he is shooting for much earlier than thirty days and will keep Chairman Jenkins or Mr. Jones advised as to how this goes.

At this point in the meeting Mr. Pol proposed an amendment on a prior resolution dealing with the spotted seatrout task force. This part of the minutes were inserted at the beginning of the minutes in the spotted seatrout portion for clarity reasons.

The Date for the December Meeting was set for the December 9, 1991, which is on a Monday. The meeting will be held at the Baton Rouge office.

Chairman Jenkins called for Public Comments or questions from the press. There being none Mr. Schneider made a motion that the September 5, 1991, Commission meeting be adjourned. The motion was seconded by Captain Vujnovich and passed unanimously.



A. Kell McInnis, III
Acting Secretary

AKM:sb

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

RESOLUTION

SPOTTED SEATROUT

WHEREAS, the Commission shall have sole authority to establish definite management programs and policies, and

WHEREAS, Act 157 of the 1991 Regular Session of the Louisiana Legislature revised R.S. 56:6 (25) (a) such that the Louisiana Wildlife and Fisheries Commission is authorized to manage spotted seatrout, and

WHEREAS, R.S. 56:6 (25) (a) requires that any rule or regulation shall have as its objective the sound conservation, preservation, replenishment and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term, or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage, and

WHEREAS, Act 708 of the 1991 Regular Session of the Louisiana Legislature includes among other requirements that conservation and management measures shall prevent overfishing while achieving on a continuing basis the optimum yield while maintaining healthy, plentiful stocks, and

WHEREAS, the Commission has the Marine Finfish Committee that has met twice in public session to review and discuss the available biological and technical data including information from the Department's final draft of "A Fishery Management Plan for Louisiana Spotted Seatrout", and information from computer models created from the analysis and data contained in the plan, and has recommended changes to the management of spotted seatrout in Louisiana based upon those deliberations and associated findings namely:

A) The historical commercial fishery is a fall and winter fishery, and the historical recreational fishery is a spring and summer fishery, and mostly on weekends; and

B) The one million pound commercial quota based on reported historical landings for the previous ten years that was set by legislative mandate in 1987 was increased by two hundred and fifty thousand pounds one year later with little apparent consideration of biological and technical data for spotted seatrout; and

C) Reducing the harvest of spotted seatrout would provide a biologically beneficial increase in the spawning stock relative to the size of the reduction; and

D) A reduction in the commercial harvest of spotted seatrout would potentially and indirectly increase the recreational harvest, a shift that is likely to benefit the state economically; and

E) There is a continued problem in verifying the true extent of commercial landings; and

F) It is technically easier to provide law enforcement during a closed season; and

G) There are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of intent to adopt rules and regulations to alter the management of the state's spotted seatrout fishery through altering the commercial quota, establishing a commercial season and setting times for commercial fishing, and

BE IT FURTHER RESOLVED, that in order to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen the Secretary of the Louisiana Department of Wildlife and Fisheries is directed to develop a plan for the enforcement of such laws and to make implementation of this plan a priority with the Department, and to report back to this Commission with said plan at the October Commission meeting.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent, and preparation of reports and correspondence to other agencies of government.

September 5, 1991

A. Kell McInnis III

A. Kell McInnis III, Acting
Secretary

James H. Jenkins, Jr.

James H. Jenkins, Jr.
Chairman


RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
Confidentiality of Fisheries Dependent Data

WHEREAS, Louisiana Revised Statute 56:301.4 requires the Louisiana Department of Wildlife and Fisheries to draft regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics for approval by the Louisiana Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedures Act, and


WHEREAS, confidentiality of fisheries dependent data assists in obtaining proper reporting necessary for fisheries management,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics submitted or collected in accordance with this section of law. The Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.



James H. Jenkins
Chairman



A. Kell McInnis, III
Acting Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby adopts rules and regulations to preserve the confidentiality of all fishery dependent data, information, or statistics submitted to or collected by the Department of Wildlife and Fisheries, its agencies or instrumentalities.

Title 76

Wildlife and Fisheries

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter F. Confidential Fishing Data

§ 321 Records; Confidentiality

All fishery dependent data collected or otherwise obtained by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission in the course of their duties and other landings data collected by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission are confidential and are not to be divulged, except in aggregate form, to any person except employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission or the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in

such a manner so as not to reveal, directly or indirectly, the identity or business or any such person. Neither employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries nor members of the Wildlife and Fisheries Commission will voluntarily release confidential information to another person, firm, or state or federal agencies, except NOAA/NMFS as stated above, and to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. Neither the Louisiana Department of Wildlife and Fisheries nor its instrumentalities nor members of the Wildlife and Fisheries Commission will disclose confidential statistics under court order without specific approval by the State Attorney General's Office. These rules and regulations provide for compliance with all procedures set forth by the United States Department of Commerce, or its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies or instrumentalities. Employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission who have access to confidential statistics shall be subject to the provisions and penalties for unauthorized disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (1991).

James H. Jenkins
Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, September 5, 1991.

WHEREAS, Hugh A. Bateman, Administrator of the Game Division, has attended public hearings in Washington, D.C. on upland migratory birds and waterfowl, and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing migratory bird season framework have been developed by the U. S. Fish and Wildlife Service, and


WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for migratory species including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for migratory species within the constraints of the U. S. Fish and Wildlife Service framework, now


THEREFORE BE IT RESOLVED, that on this date, the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours by Declaration of Emergency, and

BE IT FURTHER RESOLVED that this Declaration of Emergency will be in effect beginning November 1, 1991 and shall extend for a period of 120 days, and

BE IT FURTHER RESOLVED that these dates will be forwarded to the U. S. Fish and Wildlife Service as regulation set for Louisiana's 1991-92 Migratory Bird Hunting Regulations.



A. Kell McInnis, III, Acting Secretary
Louisiana Department of Wildlife
and Fisheries



Jimmy Jenkins, Chairman
Louisiana Wildlife and Fisheries
Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the Emergency provision of R.S. 49:953(B) of the Administrative Procedures Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

The hunting seasons for ducks, coots, geese, rails and gallinules during the 1991-92 hunting season shall be as follows:

MIGRATORY GAME BIRDS

Ducks and Coots (Closed Season on Canvasbacks)

West Zone:	Nov. 16 (Sat.)-Dec. 6 (Fri.)	21 days
	Dec. 28 (Sat.)-Jan. 5 (Sun.)	9 days

East Zone:	Nov. 23 (Sat.)-Dec. 1 (Sun.)	9 days
	Dec. 16 (Mon.)-Jan. 5 (Sun.)	21 days

Experimental Catahoula Lake Zone (NEW) -
Nov. 23 (Sat.)-Dec. 22 (Sun.) 30 days

All of Catahoula Lake including those portions known locally as Round Prairie, Catfish Prairie and Frazier's Arm.

Daily Bag Limit: The daily bag limit on ducks is 3 and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and mergansers is twice the daily bag limit.

Geese:	Statewide	
	Nov. 16 (Sat.)-Dec. 7 (Sat.)	22 days
	Dec. 14 (Sat.)-Jan. 30 (Thurs.)	48 days
	Jan. 31 (Fri.)-Feb. 9 (Sun.)	10 days (Snow geese only)

Daily Bag Limit: Daily bag limit is 7 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies) except as noted below. During the last 10 days (Jan. 31-Feb. 9), only blue and snow geese may be

taken During the Experimental Canada Goose Season (Jan 22 Jan 30) the daily bag limit for Canada and white fronted geese is 2 of which not more than 1 can be a Canada goose Possession limit is twice the daily bag limit

Experimental Canada Goose Season Jan 22 (Wed) Jan 30 (Thurs) 9 days

An experimental Canada goose season will be open in a portion of southwest Louisiana The area shall be described as follows

Easterly from the Texas line along Hwy 12 to Ragley then easterly along U S 190 from Ragley to its junction with I 49 near Opelousas then south along I 49 to its junction with Hwy 167 near Lafayette then south along Hwy 167 from Lafayette to its junction with Hwy 82 at Abbeville then south and west along Hwy 82 to the Intracoastal Waterway at Forked Island then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel then south along the west side of the Calcasieu Ship Channel to Hwy 82 at Cameron then westerly along Hwy 82 to the Texas State line All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy 14 bridge southward

A special permit shall be required to participate in the Experimental Canada Goose Season A permit is required of everyone regardless of age and a non refundable \$5 00 administrative fee will be charged This permit may be obtained from the Lake Charles Opelousas and Baton Rouge Offices

Return of harvest information requested on the permit is mandatory Failure to submit this information to the Department by February 15 1992 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year

Rails Nov 16 Jan 20

King and Clapper daily bag limit is 15 in the aggregate possession 30
Sora and Virginia daily bag and possession limit is 25 in the aggregate

Gallinule Nov 16 Jan 20 Daily bag limit is 15 possession 30

Shooting Hours 1/2 hour before sunrise to sunset

RESOLUTION

La. Wildlife and Fisheries Commission

September 5, 1991

WHEREAS, the promulgation of a trapping season for the taking of furbearers is a wise use of a renewable natural resource; and

WHEREAS, biological data has determined that populations of furbearing animals are at or above carrying capacity and that surplus animals taken by legal trapping have no adverse impact on those populations; and

WHEREAS, in certain areas of Louisiana nutria are above carrying capacity and causing damage to marsh habitats and in recognition of this damage the 1990 Legislature and this Commission approved a Nutria Control Cost Share Program to assist in reducing this damage to valuable marshes; and

WHEREAS, the Fur and Refuge Division recommends an open trapping season for 1991-92 as follows:

North Zone: All furbearers, November 20, 1991 through February 15, 1992

Experimental Season: February 16, 1992 through March 15, 1992. Soft catch only (Padded trap)


South Zone: All furbearers, December 1, 1991 through February 29, 1992

The boundary between North and South Zones shall be Interstate Highway 10 from Texas state lines to Baton Rouge; Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi state line.

Bobcat and Otter by federal regulation must have a possession tag attached to verify origin in Louisiana at the time of sale.

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt these recommended dates for the 1991-92 trapping season and reaffirms its adoption of the Nutria Control Cost Share Program.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to take any and all steps necessary to promulgate the 1991-92 trapping season and the Nutria Control Cost Share Program using the Emergency Rule Making Process as provided for within the Administrative Procedures Act.



A. Kell McInnis III
Acting Secretary



Jimmy Jenkins
Chairman

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES
COMMISSION AT ITS REGULAR MEETING HELD AT BATON ROUGE, LA.
SEPTEMBER 5, 1991

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 108 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both Mr. John Weston and this Department, and

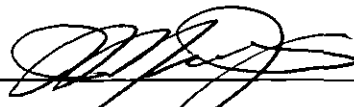
WHEREAS, the purchase price which has been agreed upon is \$21,600.00, twenty one thousand six hundred dollars.

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.



A. Kell McInnis III, Acting Sec.
La. Dept. of Wildlife & Fisheries



James H. Jenkins, Jr. Chairman,
La. Wildlife & Fisheries Comm.

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES
COMMISSION AT ITS REGULAR MEETING HELD AT BATON ROUGE, LA.
SEPTEMBER 5, 1991

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 40 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both International Paper Co. and this Department, and

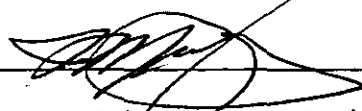
WHEREAS, the purchase price which has been agreed upon is \$8,000.00. One hundred dollars (\$100.00) has been previously paid for an option on this property with the balance due at closing being seven thousand nine hundred (\$7,900.00).

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.



A. Kell McInnis III, Acting Sec.
La. Dept. of Wildlife & Fisheries



James H. Jenkins, Jr. Chairman,
La. Wildlife & Fisheries Comm.

COMMISSION MEETING
ROLL CALL
Thursday, September 5, 1991
Baton Rouge, LA
Wildlife and Fisheries Building

	Attended	Absent
Jimmy Jenkins (Chairman)	<u>✓</u>	<u> </u>
Houston Foret	<u>✓</u>	<u> </u>
Bert Jones	<u>✓</u>	<u> </u>
Norman McCall	<u>✓</u>	<u> </u>
Warren Pol	<u>✓</u>	<u> </u>
Jeff Schneider	<u>✓</u>	<u> </u>
Peter Vujnovich	<u>✓</u>	<u> </u>

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.
Acting Secretary Kell McInnis is also present.

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The Louisiana Wildlife and Fisheries Commission hereby establishes rules that will allow a Louisiana resident to raise and sell live gamefish fingerlings for stocking purposes.

TITLE 76

WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 159. GAMEFISH FINGERLING AQUACULTURE - RULES & PERMITS

A. A fish farmer raising and selling live gamefish fingerlings must obtain an annual fish farmers certificate (license) and gamefish farmers permit issued by the Department on a calendar year basis.

B. Live gamefish fingerlings sold from an approved fish farm shall be subject to all applicable statute and rule limitations if any.

C. A fish farmer raising and selling live gamefish fingerlings must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

D. A fish farmer raising and selling live gamefish fingerlings must submit to the Secretary of the Louisiana Department of Wildlife and Fisheries an annual report delineating the type and number of fish species produced, dates stocked, and the specific location sites where stocked such that the Department will be able to find the stocking areas at a later date. The deadline for submission of the annual report will be no later than one month after the reporting year has ended.

E. Gamefish farmers transporting gamefish fingerlings for sale must notify the Enforcement Division as per L.R.S. Title 56 and must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

F. All trucks transporting gamefish fingerlings for sale must have the words "GAMEFISH FARMER" prominently displayed with a minimum of three (3) inch block letters.

G. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

H. Gamefish fingerlings produced and distributed shall be certified disease and parasite free.

I. Genetic purity shall be maintained and gamefish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the Department.

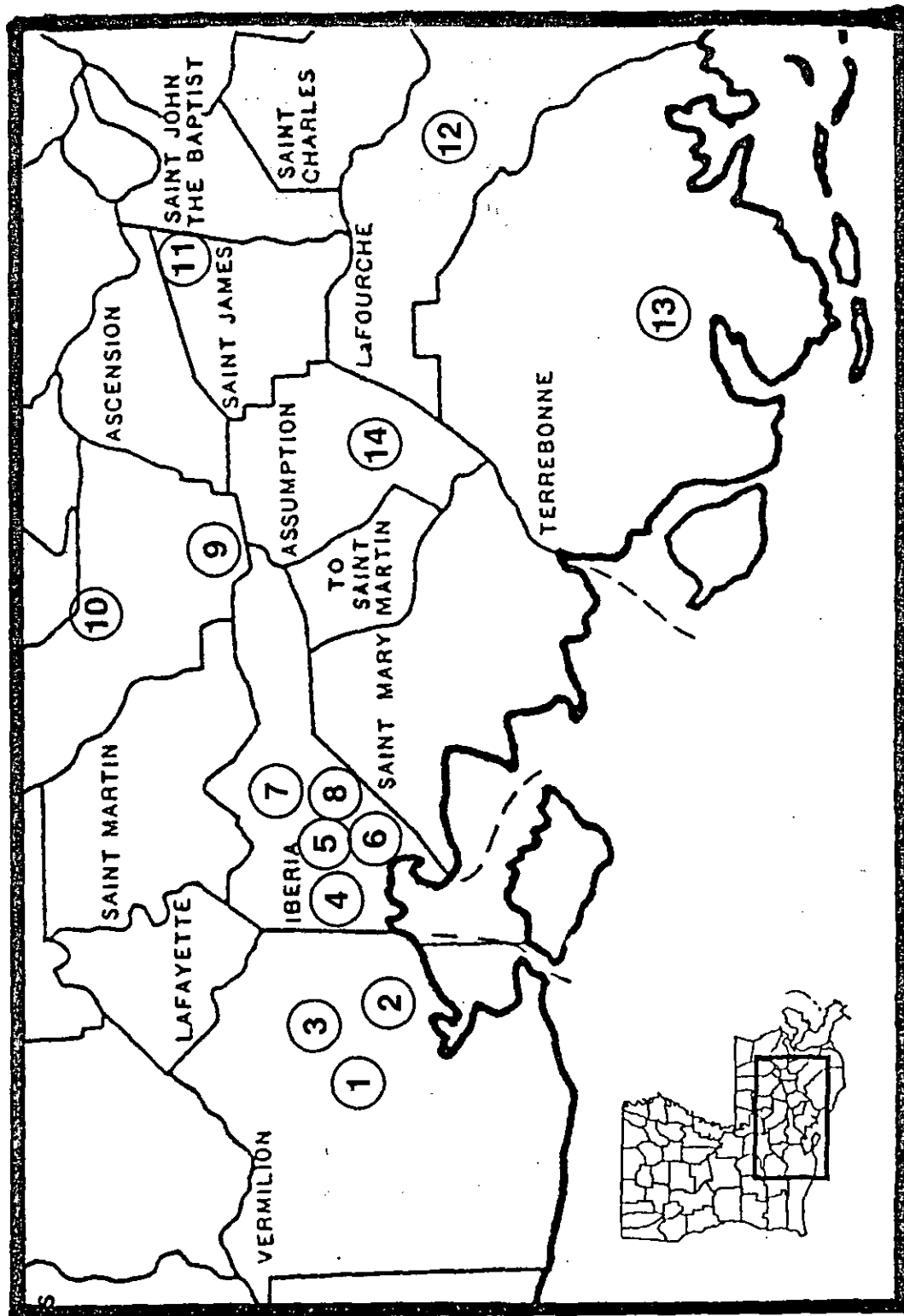
J. The Secretary may revoke any or all permits issued for the raising and selling of gamefish fingerlings if the permittee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(1)(b) and (A)(2).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (September 1991).

James H. Jenkins, Jr.
Chairman

1991
FISH KILLS
INVESTIGATED BY THE DEPARTMENT OF AGRICULTURE'S
FISH KILL PANEL



GENERAL INFORMATION

TOXICITY OF AZINPHOS METHYL TO AQUATIC ORGANISMS

ORGANISM	STAGE OR WEIGHT (GR)	TEMP(F)	96-HOUR LC50 (ppb)
Grass Shrimp	mature	70	0.13
Northern Pike	young	54	0.36
Black Crappie	1	64	3.00
Largemouth Bass	0.9	64	4.80
Bluegill	1.5	64	22.00
Green Sunfish	1.1	64	52.00
Crawfish	mature	54	56.00
Fathead Minnow	1.2	64	235.00
Channel Catfish	1.5	64	3,290.00
Black Bullhead	1.2	64	3,500.00

LC50 - median lethal concentration: the concentration of a substance that is estimated to kill half of a group of organisms. The duration of exposure must be specified.

COMMENTS ON AZINPHOS METHYL

- this chemical was considered by catfish growers for use as a selective fish eradicator
- the half-life of this chemical in aqueous solutions at 80 degrees F and pH 7.0 is 10 - 24 days. At 80 degrees and pH 9 the half-life is 0.5-2 days. At 84 degree F and pH 7.0 the half-life is 1 day.
- the first 1/10 inch of rain removes all the chemical that is going to wash off.
- characteristics of fish exposed to this chemical include erratic swimming, often in circles, and an extremely forward positioning of the pectoral fins.

DISSOLVED OXYGEN

Most species of fish require dissolved oxygen (DO) concentrations over 3.0 parts per million (ppm) to function normally. Fish become stressed with levels of 1.0 - 2.0 ppm and most fish die when DO levels drop below 1.0 ppm for extended periods of time. Garfish and bowfin (choupique) are exceptions to this generality. These species are able to utilize atmospheric oxygen and are not usually killed from low DO levels.

1991 SOUTH LOUISIANA FISH KILLS INVESTIGATED BY DEPARTMENT OF AGRICULTURE FISH KILL PANEL							
WATERBODY/ PARISH	REPORTED DATE	D.O. LEVEL	AZINPHOS METHYL	SPECIES KILLED	NUMBER KILLED	BEHAVIOR/ APPEARANCE	OTHER INFORMATION
1. Noel Canal Vermilion Parish	7/2/91	5.08 ppm	428 ppb* 29.1 ppb* in ditch draining aerial applicator's site	spotted gar striped mullet gizzard shad warmouth various sunfish white crappie carp	5000 estimated	erratic behavior, appeared to be trying to jump out of the water	3 turtles, 4 snakes, and 1 duck also found dead ditch draining airfield area filled with dead invertebrates - no living animals observed 4 miles affected
2. Boston Canal Vermilion Parish	7/8/91	4.7-5.2 ppm	5.1 ppb*	striped mullet	100-200 observed, no total estimate	erratic swimming	approximately 3,000 dead fish reported by complainant 5 miles affected
3. Bayou Tigre Vermilion Parish	7/17/91	2.7-5.5 ppm	7.8 ppb*	striped mullet sunfish spotted gar other species	500 observed	erratic swimming all sizes affected	5 miles affected

1991 SOUTH LOUISIANA FISH KILLS INVESTIGATED BY DEPARTMENT OF AGRICULTURE FISH KILL PANEL							
WATERBODY/ PARISH	REPORTED DATE	D.O. LEVEL	AZINPHOS METHYL	SPECIES KILLED	NUMBER KILLED	BEHAVIOR/ APPEARANCE	OTHER INFORMATION
4. Bayou Petite Anse Iberia Parish	7/11/91	2.6-3.0 ppm	18.6 ppb* Follow-up sample 7/18/91 2.5ppb*	striped mullet bluegill yellow bass warmouth freshwater drum mosquito fish shad crappie spotted gar southern - flounder carp sunfish	5500 estimated	pectoral fins pointed forward both large and small fish observed no piping at surface	2 red-eared turtles and 1 alligator also found dead 5 miles affected
5. Port of Iberia Iberia Parish	7/8/91	2.0-4.0 ppm	3.23 ppb*	gulf menhaden striped mullet blue catfish various sunfish spotted gar shad	500 observed, no total estimate	acting erratically	6 miles affected
6. Bayou Jack Iberia Parish	6/27/91	4.7 to 6.4 ppm	4.2 ppb*	striped mullet freshwater drum bluegill yellow bass largemouth bass warmouth hog choker mosquito fish crappie spotted gar shad silverside	5000 estimated	pectoral fins pointed forward disoriented swimming at surface in obvious distress	

1991 SOUTH LOUISIANA FISH KILLS INVESTIGATED BY DEPARTMENT OF AGRICULTURE FISH KILL PANEL							
WATERBODY/ PARISH	REPORTED DATE	D.O. LEVEL	AZINPHOS METHYL	SPECIES KILLED	NUMBER KILLED	BEHAVIOR/ APPEARANCE	OTHER INFORMATION
7. Tete Bayou Iberia Parish	7/13/91	5.81 ppm	4.81 ppb*	striped mullet spotted gar bowfin freshwater drum common carp bluegill warmouth white crappie black crappie blue catfish large mouth bass	2,000 + estimated	pectoral fins forward, body tremors	4.5 miles affected
8. Bayou Patout Iberia Parish	7/8/91	5.9-6.0 ppm	no detect @ 2.4 ppb* Follow-up sample 7/18/91 1.4 ppb*	striped mullet spotted gar carp white crappie bowfin warmouth various sunfishes largemouth bass	3000 estimated	badly decomposed	3 miles affected
9. White Castle Canal Iberville Parish	7/8/91	1.3 ppm - 2.5 ppm	3.12 ppb*	gar buffalo drum many other species	2000 estimated	badly decomposed	
10. Wilberts Canal Iberville Parish	7/12/91	3.29 ppm	no data	gar crappie freshwater drum largemouth bass mullet various sunfish	3000 estimated	pectoral fins forward	4 miles affected

1991 SOUTH LOUISIANA FISH KILLS INVESTIGATED BY DEPARTMENT OF AGRICULTURE FISH KILL PANEL							
WATERBODY/ PARISH	REPORTED DATE	D.O. LEVEL	AZINPHOS METHYL	SPECIES KILLED	NUMBER KILLED	BEHAVIOR/ APPEARANCE	OTHER INFORMATION
11.a. Blind River St. James Parish	7/6/91	0.5 - 4.0 ppm	none detected	not reported	26,400	no comment	
11.b. Blind River St. James Parish	7/29/91	0.3 - 1.83 ppm	2.74 ppb** 8.96 ppb** 15.72 ppb**	spotted gar gizzard shad blue catfish mosquito fish largemouth bass bluegill warmouth crappie sunfish mullet freshwater drum	16,000 estimated	all sizes affected numerous predators feeding on dead fish (i.e. birds, snakes, turtles, alligators)	8 miles affected 2nd Kill in this waterbody. 1st Kill occurred 7/4/91.
12. Bayou Lafourche Lafourche Parish	7/6/91	3.2-3.4 ppm	1.42 ppb*	various sunfish striped mullet largemouth bass striped bass yellow bass crappie freshwater drum channel catfish spotted gar ladyfish	133,837 estimated	some species swam erratically, others swam in circular motion, still others appeared moribund no piping observed pectoral fins oriented forward	10.4 miles affected

1991 SOUTH LOUISIANA FISH KILLS INVESTIGATED BY DEPARTMENT OF AGRICULTURE FISH KILL PANEL							
WATERBODY/ PARISH	REPORTED DATE	D.O. LEVEL	AZINPHOS METHYL	SPECIES KILLED	NUMBER KILLED	BEHAVIOR/ APPEARANCE	OTHER INFORMATION
13. Bayou DuLarge Terrebonne Parish	7/20/91	not reported	not detected	not reported	not reported	no comment	
14. Himalaya Assumption Parish	8/6/91	0.2 - 4.8 ppm	12.9 ppb	gambusia pirate perch sunfish shad black bullhead largemouth bass garfish grass shrimp	189,006	no comment	

* - analyzed by LDAF Lab

** - analyzed by LDEQ contract lab

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
Confidentiality of Fisheries Dependent Data

- WHEREAS, Louisiana Revised Statute 56:301.4 requires the Louisiana Department of Wildlife and Fisheries to draft regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics for approval by the Louisiana Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedures Act, and
- WHEREAS, confidentiality of fisheries dependent data assists in obtaining proper reporting necessary for fisheries management,
- THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics submitted or collected in accordance with this section of law. The Notice of Intent attached to and made a part of this resolution is hereby approved.
- BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

James H. Jenkins
Chairman

A. Kell McInnis, III
Acting Secretary

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to preserve the confidentiality of all fishery dependent data, information, or statistics submitted to or collected by the Department of Wildlife and Fisheries, its agencies or instrumentalities.

Title 76

Wildlife and Fisheries

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter F. Confidential Fishing Data

§ 321. Records; Confidentiality

All fishery dependent data collected or otherwise obtained by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission in the course of their duties and other landings data collected by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission are confidential and are not to be divulged, except in aggregate form, to any person except employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission or

the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person. Neither employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries nor members of the Wildlife and Fisheries Commission will voluntarily release confidential information to another person, firm, or state or federal agencies, except NOAA/NMFS as stated above, and to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. Neither the Louisiana Department of Wildlife and Fisheries nor its instrumentalities nor members of the Wildlife and Fisheries Commission will disclose confidential statistics under court order without specific approval by the State Attorney General's Office. These rules and regulations provide for compliance with all procedures set forth by the United States Department of Commerce, or its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies or instrumentalities. Employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission who have access to confidential statistics shall be subject to the provisions and penalties for unauthorized disclosure.

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (1992).

James H. Jenkins, Jr.
Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, September 5, 1991.

WHEREAS, Hugh A. Bateman, Administrator of the Game Division, has attended public hearings in Washington, D.C. on upland migratory birds and waterfowl, and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing migratory bird season framework have been developed by the U. S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for migratory species including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for migratory species within the constraints of the U. S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that on this date, the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours by Declaration of Emergency, and

BE IT FURTHER RESOLVED that this Declaration of Emergency will be in effect beginning November 1, 1991 and shall extend for a period of 120 days, and

BE IT FURTHER RESOLVED that these dates will be forwarded to the U. S. Fish and Wildlife Service as regulation set for Louisiana's 1991-92 Migratory Bird Hunting Regulations.

A. Kell McInnis, III, Acting Secretary
Louisiana Department of Wildlife
and Fisheries

Jimmy Jenkins, Chairman
Louisiana Wildlife and Fisheries
Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the Emergency provision of R.S. 49:953(B) of the Administrative Procedures Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

The hunting seasons for ducks, coots, geese, rails and gallinules during the 1991-92 hunting season shall be as follows:

MIGRATORY GAME BIRDS

Ducks and Coots (Closed Season on Canvasbacks)

West Zone:	Nov. 16 (Sat.)-Dec. 6 (Fri.)	21 days
	Dec. 28 (Sat.)-Jan. 5 (Sun.)	9 days
East Zone:	Nov. 23 (Sat.)-Dec. 1 (Sun.)	9 days
	Dec. 16 (Mon.)-Jan. 5 (Sun.)	21 days

Experimental Catahoula Lake Zone (NEW) -
Nov. 23 (Sat.)-Dec. 22 (Sun.) 30 days

All of Catahoula Lake including those portions known locally as Round Prairie, Catfish Prairie and Frazier's Arm.

Daily Bag Limit: The daily bag limit on ducks is 3 and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and mergansers is twice the daily bag limit.

Geese:	Statewide	
	Nov. 16 (Sat.)-Dec. 7 (Sat.)	22 days
	Dec. 14 (Sat.)-Jan. 30 (Thurs.)	48 days
	Jan. 31 (Fri.)-Feb. 9 (Sun.)	10 days (Snow geese only)

Daily Bag Limit: Daily bag limit is 7 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies) except as noted below. During the last 10 days (Jan. 31-Feb. 9), only blue and snow geese may be

taken. During the Experimental Canada Goose Season (Jan. 22-Jan. 30) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

Experimental Canada Goose Season - Jan. 22 (Wed.)-Jan. 30 (Thurs.) 9 days

An experimental Canada goose season will be open in a portion of southwest Louisiana. The area shall be described as follows:

Easterly from the Texas line along Hwy. 12 to Ragley; then easterly along U.S. 190 from Ragley to its junction with I-49 near Opelousas; then south along I-49 to its junction with Hwy. 167 near Lafayette; then south along Hwy. 167 from Lafayette to its junction with Hwy. 82 at Abbeville; then south and west along Hwy. 82 to the Intracoastal Waterway at Forked Island; then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel; then south along the west side of the Calcasieu Ship Channel to Hwy. 82 at Cameron, then westerly along Hwy. 82 to the Texas State line. All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward.

A special permit shall be required to participate in the Experimental Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from the Lake Charles, Opelousas and Baton Rouge Offices.

Return of harvest information requested on the permit is mandatory. Failure to submit this information to the Department by February 15, 1992 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year.

Rails - Nov. 16-Jan. 20

King and Clapper - daily bag limit is 15 in the aggregate, possession 30.

Sora and Virginia - daily bag and possession limit is 25 in the aggregate.

Gallinule - Nov. 16-Jan. 20. Daily bag limit is 15, possession 30.

Shooting Hours: 1/2 hour before sunrise to sunset.

This Declaration of Emergency will be in effect beginning November 1, 1991, and shall extend for a period of 120 days.

James H. Jenkins, Jr.
Chairman

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES
COMMISSION AT ITS REGULAR MEETING HELD AT BATON ROUGE, LA.
SEPTEMBER 5, 1991

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 40 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both International Paper Co. and this Department, and

WHEREAS, the purchase price which has been agreed upon is \$8,000.00. One hundred dollars (\$100.00) has been previously paid for an option on this property with the balance due at closing being seven thousand nine hundred (\$7,900.00).

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.

A. Kell McInnis III, Acting Sec. La. Dept. of Wildlife & Fisheries	James H. Jenkins, Jr. Chairman, La. Wildlife & Fisheries Comm.
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RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES
COMMISSION AT ITS REGULAR MEETING HELD AT BATON ROUGE, LA.

SEPTEMBER 5, 1991

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 108 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both Mr. John Weston and this Department, and

WHEREAS, the purchase price which has been agreed upon is \$21,600.00, twenty one thousand six hundred dollars.

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.

A. Kell McInnis III, Acting Sec.
La. Dept. of Wildlife & Fisheries

James H. Jenkins, Jr. Chairman,
La. Wildlife & Fisheries Comm.

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries does hereby amend and adopt the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

TITLE 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

Section 701. Alligator Regulations

* * *

K. Report Requirements.

* * *

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2

violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

* * *

N. Alligator Egg Collection.

* * *

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between March 15 and September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he

shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December, 1990), Amended L.R. 17: (Sept. 1991).

James H. Jenkins, Jr.
Chairman

RESOLUTION

La. Wildlife and Fisheries Commission

September ⁵~~6~~, 1991

WHEREAS, the promulgation of a trapping season for the taking of furbearers is a wise use of a renewable natural resource; and

WHEREAS, biological data has determined that populations of furbearing animals are at or above carrying capacity and that surplus animals taken by legal trapping have no adverse impact on those populations; and

WHEREAS, in certain areas of Louisiana nutria are above carrying capacity and causing damage to marsh habitats and in recognition of this damage the 1990 Legislature and this Commission approved a Nutria Control Cost Share Program to assist in reducing this damage to valuable marshes; and

WHEREAS, the Fur and Refuge Division recommends an open trapping season for 1991-92 as follows:

North Zone: All furbearers, November 20, 1991 through February 15, 1992

Experimental Season: February 16, 1992 through March 15, 1992. Soft catch only (Padded trap)

South Zone: All furbearers, December 1, 1991 through February 29, 1992

The boundary between North and South Zones shall be Interstate Highway 10 from Texas state lines to Baton Rouge; Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi state line.

Bobcat and Otter by federal regulation must have a possession tag attached to verify origin in Louisiana at the time of sale.

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt these recommended dates for the 1991-92 trapping season and reaffirms its adoption of the Nutria Control Cost Share Program.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to take any and all steps necessary to promulgate the 1991-92 trapping season and the Nutria Control Cost Share Program using the Emergency Rule Making Process as provided for within the Administrative Procedures Act.

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

ENFORCEMENT DIVISION

CASE REPORT

AUGUST, 1991

ENFORCEMENT CASE REPORT-AUGUST 1991

TOTAL CASES-103

ENFORCEMENT-103

OTHER - 0

28-Boating

15-Angling W/O A License

44-Fish Without Resident Pole License

1-Take/Possess Illegal Size Black Bass

1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

1-Use Illegal Mesh Nets

3-Sell And/Or Purchase Game Fish

1-Hunting W/O Resident License

2-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

1-Hunt Or Take Deer Or Bear C/S

2-Poss. Of Illegally Taken Deer Or Bear

1-Resisting Arrest

2-Other Than Wildlife And Fisheries

CONFISCATIONS:

100 yards of 2 inch gill net, 1 black bass, parts of deer.

REGION 2

TOTAL CASES-117

ENFORCEMENT-117

OTHER - 0

41-Boating

22-Angling W/O A License

49-Fish Without Resident Pole License

1-Taking/Poss. Over Limit Or Undersized Gamefish

1-Not Abiding By Rules and Regulations On WMA

3-Other Than Wildlife And Fisheries

Page (2)

REGION 2 CONT'D.

CONFISCATIONS:

1-1967 Chevy truck, 5 electric device rigged, 1 aluminum boat, 1-6 h.p. Evinrude motor, 13 catfish, 1 Marlin 22 rifle.

REGION 3

TOTAL CASES-169

ENFORCEMENT-169

OTHER - 0

75-Boating

47-Angling W/O A License

3-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

3-Take Game Fish Illegally

4-Taking/Poss. Over Limit Of Undersized Gamefish

3-Take Or Sell Commercial Fish Or Bait Species W/O Commercial Licesne

3-Take Commercial Fish W/O Commercial Gear License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Fail To Maintain Records

2-Take Or Possess Undersize Commercial Fish

1-Sell And/Or Purchase Game Fish

2-Hunting W/O Resident License

5-Buying And/Or Selling Wild Quadrupeds Or Wild Birds

1-Possess Firearm While Frogging

2-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

1-Take Squirrel Illegal Methods

2-Take Alligators W/O License

2-Taking Or Possessing Alligators Closed Season

REGION 3 CONT'D.

CONFISCATIONS:

34 white perch, 11 black bass, 3 catfish, 1 freshwater drum, 1-7 1/2 foot alligator, 1 live trap.

REGION 4

TOTAL CASES-75

ENFORCEMENT-75

OTHER - 0

31-Boating

21-Angling W/O A License

10-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

1-Use Lead Nets In Other Than Overflow Regions

1-Hunting From Moving Vehicle And/Or Aircraft

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

1-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

1-Possession Of Wild Quadrupeds Or Wild Birds Without Permit

1-Taking Or Possessing Alligators Closed Season

1-Illegal Poss. Of Alligators Eggs, Or Their Skins

1-Fail To Comply With Alligator Parts Tagging Required

1-Not Abiding By Rules And Regulations On WMA

1-DWI

1-Other Than Wildlife And Fisheries

1-Operate ATV Vehicle On Public Road

CONFISCATIONS:

5 Deer, 71 alligator hides, 1-22 rifle with scope, 8 hoop nets with leads.

REGION 5

TOTAL CASES-417

ENFORCEMENT-405

OTHER - 12

200-Boating

81-Angling W/O A License

21-Fish Without Resident Pole License

6-Use Gear W/O Recreational Gear License

9-Angling W/O Saltwater License

1-Not Abiding By Rules And Regulations Of Commission

7-Taking/Poss. Over Limit Or Undersized Gamefish

6-Poss. O/L Of Red Drum

2-Fail To Have Fish Intact (Saltwater)

30-Take Or Possess Undersized Red Drum

5-Take Or Possess Undersized Spotted Sea Trout

12-Take Or Possess Undersized Black Drum

1-Poss. O/L Spotted Sea Trout

1-Take/Poss. Illegal Size Black Bass

1-Fail To Have Commercial License In Possession

**4-Take Or Sell Commercial Fish Or Bait Species W/O Commercial
License**

2-Take Commercial Fish W/O Commercial Gear License

3-Take Or Possess Commercial Fish Without A Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Take Or Possess Undersize Commercial Fish

1-Allow Another To Use Commercial License

1-Fail To Comply With Closure Order Spotted Sea Trout

REGION 5 CONT'D.

1-Permit Unlicensed Person To Operate Commercial Vessel

5-Permit Unlicensed Person To Use Commercial Gear

1-Fail To Report Commercial Fisheries Data

1-Trawling In Closed Season

2-Littering

8-Other Than Wildlife And Fisheries

2-Possess/Take Undersize Federal Controlled Fish

1-Possess/Take Over Limit Federal Controlled Fish

CONFISCATIONS:

108 red drum, 37 black drum, 107 speckled trout, 106 red snapper, 3818 lbs. shrimp sold for \$8764.90, 2 shrimp trawls, 1 squirrel, 6 garfish, 2000 feet of gill net.

REGION 6

TOTAL CASES-179

ENFORCEMENT-164

OTHER - 15

95-Boating

38-Angling W/O A License

14-Fish Without Resident Pole License

4-Take Game Fish Illegally

2-Poss. O/L Of Red Drum

1-Fail To Have Fish Intact (Saltwater)

2-Take Or Possess Undersized Red Drum

3-Take Or Possess Undersized Spotted Sea Trout

4-Take Or Possess Undersized Black Drum

1-Fail To Have Commercial License In Possession

REGION 6 CONT'D.

1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

2-Take Commercial Fish W/O Commercial Gear License

1-Take Or Possess Commercial Fish Without A Vessel License

1-Use Illegal Mesh Nets

1-Take Or Possess Undersize Commercial Fish

3-Trawling In Closed Season

1-Poss. Of Live Wild Quadrupeds, Wild Birds W/O Permit

1-Possession Of Wild Quadrupeds Or Wild Birds Without Permit

1-Hunt Or Take Deer Or Bear C/S

1-Taking Or Possessing Alligators Closed Season

1-Not Abiding By Rules And Regulations On WMA

1-Taking/Poss. Over Limit Or Undersized Gamefish

CONFISCATIONS:

10 red drum, 10 trout, 9 black drum, 2 fawn buck deer, 1 alligator, 1 redfish, 42 red drum, 4 speckled trout, 1 cougar, 1-12 foot test trawl, 1 gill net-33 yards, 98 sac-a-lait, 4 catfish, 1 bream, 1 bass, 4 garfish.

REGION 7

TOTAL CASES-348

ENFORCEMENT-348

OTHER - 0

141-Boating

121-Angling W/O A License

42-Fish Without Resident Pole License

2-Use Gear W/O Recreational Gear License

5-Angling W/O Saltwater License

2-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

2-Fail To Maintain Records

REGION 7 CONT'D.

- 1-Failure T Hold Tags For 60 Days
- 1-Failure To Tag Sacked Or Containerized Oysters
- 2-Hunting W/O Resident License
- 3-Hunt Or Take Deer Or Bear C/S
- 3-Hunt Or Take Deer Or Bear Illegal Hours
- 3-Take Or Hunt Deer Or Bear W/Illegal Weapon
- 1-Poss. Of Illegally Taken Deer Or Bear
- 1-Fail To Tag Alligator Upon Taking
- 1-Taking Or Possessing Alligators Closed Season
- 1-Hunting MGB With Unplugged Gun
- 1-Hunting Doves Closed Season
- 3-Criminal Trespass
- 3-DWI
- 4-Littering
- 4-Other Than Wildlife And Fisheries
- 2-Flight From An Officer

CONFISCATIONS:

NONE

REGION 8

TOTAL CASES-486

ENFORCEMENT-456

OTHER - 30

- 81-Boating
- 96-Angling W/O A License
- 1-Use Gear W/O Recreational Gear License
- 10-Angling W/O Saltwater License

REGION 8 CONT'D.

1-Take Game Fish Illegally

4-Taking/Poss. Over Limit Or Undersized Gamefish

8-Poss. O/L Of Red Drum

39-Take Or Possess Undersized Red Drum

20-Take Or Possess Undersized Spotted Sea Trout

3-Fail To Have Commercial License In Possession

**9-Take Or Sell Commercial Fish Or Bait Species W/O Commercial
License**

4-Take Commercial Fish W/O Commercial Gear License

8-Take Or Possess Commercial Fish Without A Vessel License

5-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Taking Fish Illegally

1-Use Illegal Mesh Nets

7-Leave Nets Unattended

5-Take Or Possess Undersize Commercial Fish

5-Sell And/Or Purchase Game Fish

1-Possess Crabs In Berry Stage

5-Allow Another To Use Commercial License

1-Fail To Comply With Closure Order Spotted Sea Trout

5-Permit Unlicensed Person To Operate Commercial Vessel

4-Permit Unlicensed Person To Use Commercial Gear

5-Take/Possess Oysters Without Oyster Harvester License

7-Failure To Mark/Tag Nets

27-Fail To Report Commercial Fisheries Data

3-Take/Possess Undersized Black Drum

REGION 8 CONT'D.

1-Commercial Truck Without Display Of Owner Name And Address

69-Trawling In Closed Season

4-Trawling Inside Waters W/Oversized Double Rigs

3-Use Oversize Trawl, Trawl Board

1-Use Oversize Test Trawls

2-Trawl In Restricted Areas

7-Butterflying In Closed Season

3-Use Oversize Butterfly Nets

2-Fail To Remove Vessel Or Other Equipment

3-Failure To Have Written Permission

6-Unlawfully Take Oysters From State Water Bottoms

5-Unlawfully Take Oysters Off A Private Lease

1-Harvest Oysters Without Harvester License

2-Taking Or Possessing Alligators Closed Season

2-Illegal Poss. Of Alligators Eggs, Or Their Skins

2-Resisting Arrest

2-Simple Assault On An Officer

2-Littering

3-Other Than Wildlife And Fisheries

CONFISCATIONS:

4 licenses, 2,450 feet of gill net, 27 trawls, 12 test trawls, 1-22 ca. rifle

15 butterfly nets, 2 rod and reels, 1 mamou nets, 77 sacks of oysters, 186 red fish, 29 croakers, 133 speckled trout, 1 alligator, 20 black drum, 66 black bass, 3 striped bass, 1 perch, 23 spanish mackerel, 8 breams, 1 crabs, 10,545 pounds of shrimp sold for 14,647.00, 63 lbs. of sheephead and 2 pounds of flounder sold for a total of 63.00 and 67 lbs. of black drum 168.17.

REGION 9

TOTAL CASES-709

ENFORCEMENT-670

OTHER - 39

151-Boating

128-Angling W/O A License

47-Fish Without Resident Pole License

6-Use Gear W/O Recreational Gear License

79-Angling W/O Saltwater License

1-Take Undersize Black Bass

2-Fail To Have Fish Intact

47-Take Or Possess Undersized Red Drum

59-Take Or Possess Undersized Speckled Trout

4-Take Or Possess Undersized Black Drum

3-Not Abiding By Rules And Regulations Of Commission

17-Poss. O/L Of Red Drum

7-Taking/Poss. Over Limit Or Undersized Gamefish

1-Buy Commercial Fish From Un-Lic. Fisherman

11-Take Commercial Fish W/O Commercial Gear License

2-Fail To Have Commercial License In Possession

14-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

15-Take Or Possess Commercial Fish Without A Vessel License

3-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Failure To Mark/Tag Nets

1-Take/Possess Oysters Without Oyster Harvester License

7-Not Abiding By Commission Rules And Regulations

2-Permit Unlicensed Person To Operate Commercial Vessel

REGION 9 CONT'D.

2-Permit Unlicensed Person To Use Commercial Gear

2-Taking Fish Illegally

2-Allow Another To Use Commercial License

1-Leave Nets Unattended

4-Take Or Possess Undersize Commercial Fish

2-Possess Crabs In Berry Stage

1-Fail To Maintain Records

6-Butterflying In Closed Season

15-Trawling In Closed Season

3-Trawling Inside Waters W/Oversized Double Rigs

4-Not Abiding By Rules And Regulations On WMA

1-Failure To Hold Tags For 60 Days

3-Unlawfully Take Oysters From State Water Bottoms

8-Taking Oysters From Unapproved Area

7-Harvest Oysters Without Oyster Harvester License

6-Failure To Have Written Permission

7-Fail To Cull Oysters In Proper Location

2-Failure To Tag Sacked Or Containerized Oysters

2-Failure To Fill Out Oyster Tags Correctly

3-Unlawfully Take Oysters Off A Private Lease

2-Fail To Cull Oysters In Proper Location

5-Taking Or Possessing Alligators Closed Season

1-Fail To Comply With Alligator Parts Tagging Required

3-Fail To Tag Alligator Upon Taking

5-Other Than Wildlife And Fisheries

Page (12)

REGION 9 CONT'D.

4-Littering

CONFISCATIONS:

239 sea trout, 10 snapper, 122 catfish sold for \$69.75, 57 bass, 1,988 lbs. of shrimp sold for \$2254.50, 167 red drum, 1 gallinule, 38 black drum, 58 sacks of oysters, 4 alligators, 13 cobia, 11 trawls, 150 feet of gill net, 1 commercial license, 1 oyster harvester license, 1 shocking device.

Page (13)

S.W.E.P.

DELTA TIDE AND RIP TIDE

TOTAL CASES-57

ENGINE HOURS-189

BOATS CHECKED-101

4-Boating

35-Trawling In Closed Season

4-Using Oversize Double Rigs Over 25 Feet

4-No Commercial Fishing License

3-Allow Another To Use Commercial License

3-Permit Unlicensed Person To Use Commercial Vessel

3-Permit Unlicensed Person To Use Commercial Gear

1-No Commercial Vessel License

CONFISCATIONS:

58 Trawls, 4,710 lbs. of shrimp sold for \$6936.05.

OYSTER STRIKE FORCE

TOTAL CASES-41

- 1-Take Oysters From Unapproved Area (Polluted)
- 1-Take Oysters From Unleased State Water Bottoms
- 4-Take Oysters Without Written Permission
- 4-Possess Untagged Oysters
- 2-Fail To Tag Containerized Oysters
- 2-Fail To Hold Tags For 60 Days
- 5-Fail To Maintain Records
- 1-Buy Oysters From Unlicensed Fisherman
- 5-Have No Wholesale Retail Dealers License
- 1-Fail To Comply With Closure Order
- 5-Have No Oyster Harvester License
- 2-Have No Commercial License
- 1-Have No Gear License
- 1-Have No Vessel License
- 5-Fail To Comply with Health Dept. Regs.
- 1-Reckless Operation Of A Watercraft

CONFISCATIONS:

92 sacks of oysters, 8 gallons of open oysters, 20 pints of open oysters, 29 spotted sea trout, 2 boats, 4 dredges, 4 sets of records.

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TOTAL CASES ENFORCEMENT-2507

TOTAL CASES OTHER - 96

TOTAL CASES SWEP - 57

TOTAL CASES OSF - 41

GRAND TOTAL -2701

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

W. G. P.

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76

WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 3.

SECTION 341.

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession, including but not limited to a prohibition of the possession on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net of spotted seatrout, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM April 1 until midnight August 31 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net of spotted seatrout whether taken from

within or without Louisiana waters from ~~12:01 AM Saturday~~ ^{Sunset Friday} through ~~midnight~~ ^{sunset} Sunday for every weekend of the open commercial spotted seatrout season.

C. The commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed on the earlier date of 12:01 A.M. April 1 or when the staff of the Department of Wildlife and Fisheries predict the one million pound quota will be met each year.

E. Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period, or commercial dealers and anyone other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing spotted seatrout taken legally during any open period provided that those who are required shall maintain appropriate records in accordance with R.S. 56:306.4

F. Pursuant to R.S. 56:322 and effective with the seasonal closure, or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or used aboard a vessel no more than two strike nets.

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission. LR 18: (1992).

James H. Jenkins, Jr.

Chairman

WSP

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Spotted Seatrout Management

WHEREAS, R.S. 56:2 states that "the commission shall have sole authority to establish definite management programs and policies...", and

WHEREAS, Act Number 157 of the 1991 Regular Session of the Louisiana Legislature revised R.S. 56:6(25)(a) such that the Louisiana Wildlife and Fisheries Commission is authorized to manage spotted seatrout, and

WHEREAS, R.S. 56:6(25)(a) requires that "any rule or regulation shall have as its objective the sound conservation, preservation, replenishment, and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage", and

WHEREAS, Act Number 708 of the 1991 Regular Session of the Louisiana Legislature includes among other requirements that "conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield while maintaining healthy, plentiful stocks", and

WHEREAS, the Commission has a Marine Finfish Committee that has met twice in

public session to review and discuss the available biological and technical data including information from the Department's final draft of "A Fisheries Management Plan for Louisiana Spotted Seatrout", and information from computer models created from the analysis and data contained in the plan, and has recommended changes to the management of spotted seatrout in Louisiana based upon those deliberations, and associated findings, namely:

A. The historical commercial fishery is a fall and winter fishery, and the historical recreational fishery is a spring and summer fishery, and mostly on weekends, and

B. The one million pound commercial quota based on reported historical landings for the previous ten years that was set by legislative mandate in 1987 was increased by 250,000 pounds one year later with little apparent consideration of biological and technical data for spotted seatrout, and

C. Reducing the harvest of spotted seatrout would provide a biologically beneficial increase in the spawning stock relative to the size of the reduction, and

D. A reduction in the commercial harvest of spotted seatrout would potentially and indirectly increase the recreational harvest, a shift that is likely to benefit the state economically, and

E. There is a continuing problem in verifying the true extent of

commercial landings, and

F. It is technically easier to provide law enforcement during a closed season, and

G. There are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space.

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations to alter the management of the state's spotted seatrout fishery through altering the commercial quota, establishing a commercial season, and setting times for commercial fishing, and

BE IT FURTHER RESOLVED, that through its policy making authority, it directs its Secretary to create and assemble a marine finfish strike force whose composition and technical support shall exactly duplicate the existing oyster strike force within the Law Enforcement Division. The primary duties of this strike force shall be to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen, and to increase compliance with all state laws by those who purchase spotted seatrout in Louisiana. When not involved in its primary tasks, the strike force will attempt to improve compliance by all with all state laws relative to the harvest and sale of marine finfish, and

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

This resolution and the Notice of Intent attached to this resolution and made part of this resolution is hereby approved

Sunset on Sunday

Exclusion - Shrimping & Menhaden

①

AFTER many complaints, phone calls, letters, the length of the 1990-91 season, the committee directs the Secretary to form a Salt Water Fish TASK FORCE. This task force sole duty will be to enforce, surveillance, routine checking of the law. This ^{task} ~~control~~ force shall be formed immediately out of the Present graduating class. It shall be composed of a minimum of 2 people who shall be provided with the necessary tools and equipment necessary to do their job. These men shall not be used

For any other reason other than the above. There shall be a Special Phone NO. set up for the purpose of receiving and documenting complaints or violations. The Secretary shall give chairman Jenkins a report on the formation of the task force within two weeks of this meeting.

commercial landings, and

Spotted Sea Trout Management
W. B. J.
W. B. J.

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BE IT FURTHER RESOLVED, that in order to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen, the Secretary, Louisiana Department of Wildlife and Fisheries is ~~requested~~ *directed* to develop a plan for the enforcement of such laws and to

make implementation of this plan a priority with the Department, and

to report back to this Comm. w/ said plan ~~no later than~~
at the October Comm. mtg.
BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission

does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but

Mr. Chairman, Members of the Commission, Secretary McInnis.

My name is Mark Hilzim, and I would like to make some comments on the proposed Commission action on behalf of the Louisiana Gulf Coast Conservation Association.

As you are no doubt aware, GCCA and some 20 other groups introduced legislation to grant gamefish protection to both specks and reds. That same legislation also granted authority to the Wildlife and Fisheries Commission to regulate specks and reds. While redfish were accorded gamefish status, specks were not. The authority for ^{The} ~~you~~ _(Commission) to manage specks, however, was provided in the final legislation. It is as a result of that legislation that we are here today to discuss changes in the management of speckled trout.

^{The Commission}
While GCCA supported legislation to give ~~you~~ authority over speckled trout, I think it is important to note that the action which you are considering today is not being taken as a result of pressure by GCCA. GCCA did not propose the changes which you are considering, and while GCCA participated in the discussions held by the finfish subcommittee of the Commission, GCCA has had no formal hand in the drafting or decision-making processes surrounding today's action.

It was GCCA's position during the recent legislative session and remains GCCA's position that speckled trout should be accorded gamefish protection. It remains a mystery to us that trout cannot be afforded the same protection as other highly valuable and limited public animal resources. Even the most cursory look at both the statistics and the effectiveness of current regulations tells you

that something is wrong. Recreational trout landings in pounds have dropped steadily from 1986 to 1990, with 1990 weighing in at less than 26% of 1986 figures. The recreational share of the fishery has dropped from its 1980-1989 average of 83% to only 68% in 1990.

And these decreases are not only numbers on paper, but they also represent a tremendous impact on those many thousands of people who depend on the recreational fisherman to support themselves. Ask any boat dealer, tackle dealer, bait dealer, coastal restaurant-
eur, motel owner, etc. what impact the downturn in the recreational saltwater fishing economy has had on their business. And this is no small industry: as much as a billion dollars a year or more.

And while we know that there are problems in the fishery, and while we know that this fish is much, much more valuable to the state when used recreationally, we still are forced to sit back as we did this summer and watch an army of netters catch every trout in sight because the quota has not been reached. This quota, of course, is one that depends on the commercials themselves to accurately report their catch.

Since 1987, when the first comprehensive set of regulations was enacted for speckled trout, recreationals have had their take cut by both minimum size and creel limit reductions. This has put them below their 1980-1986 average, while the commercial fisherman is fishing at least 26% over his 1977-1986 average, the one originally used to compute the quota. If speckled trout is the most important recreational fish, why are we taking it away from the recreationals

and giving it to the commercials? ^{ONE TIME} ~~It~~ is obvious: ~~that~~ we cannot take another summer like the last one: the fish can't take it and the potential for a dangerous confrontation is too great.

I make all these points to put the action that we are considering today in the proper perspective. It is not the power play of one user group over the other. It is not the test of one group's political strength over the strength of another's. Rather, it is the action of those people who have been lawfully charged with the authority and responsibility to manage Louisiana's fishery resources. It is an action which I am sure they take after considering all aspects of the problem: biological, economic, and social. It considers the historical characteristics of the fishery, the enforcement realities of managing the fishery, and the need to resolve a growing conflict.

^{WILL NOT BE ACTIVE}
~~This Commission does not need to act~~ in the dark. The trout profile and stock assessment released by the Department provides a good look at the fishery. The peer reviews from scientists and agencies throughout the Gulf give testimony to the fact that the fishery ^{needs} more protection. Finally, the action operates well within the framework established in the fisheries policy adopted by the Legislature earlier this year: it is aimed at providing plentiful fish populations; it takes into account historical usage; it is not merely an economic allocation; and it takes into consideration the relevant economic and social factors.

^{not} While GCCA still believes that specks should be gamefish and would go even further if we were the decision-makers, we support this

proposed action as an important first step in providing greater protection for Louisiana's speckled trout fishery. And, let's not forget that this is only a first step. The Commission has the authority to continually adjust the speckled trout fishery, and GCCA looks forward to a continuing effort to properly manage and conserve this valuable renewable resource.

Thank you.

September 5, 1991

Organization of Louisiana Fishermen
Post Office Box 220
Galliano, Louisiana 70354

Comment Statement presented on September 5, 1991 to the

Louisiana Wildlife and Fisheries Commission
Quail Drive
Baton Rouge, Louisiana 70898

I would like to quickly review some provisions of Acts 157 and 708 of the 1991 Louisiana Legislature.

1. Act 157 "Section 6. Special powers and duties; statistics; rules and regulations; reports

The Commission, through its secretary:

* * *

(25)(a) Shall promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to set seasons, times, places, size limits, quotas, daily take, and possession limits,

BASED UPON BIOLOGICAL AND TECHNICAL DATA,

for all wildlife and fish. Any such rule or regulation shall have as its objective the sound conservation, preservation, replenishment, and management of that species

FOR MAXIMUM CONTINUING SOCIAL AND ECONOMIC BENEFIT TO THE STATE

without overfishing that causes short-term or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage...."

2. Act 708 "Section 638.2. Findings A.(7) The safe development or improvement of fisheries that are not fully or properly utilized by the Louisiana commercial and recreational fishermen and fishing industries, should help to assure that

LOUISIANA BENEFITS FROM THE EMPLOYMENT, FOOD SUPPLY, RECREATION, AND SOCIAL AND ECONOMIC BENEFIT

that could be maintained or generated thereby, if pursued in such a fashion that is

SOCIALLY, SCIENTIFICALLY, ECONOMICALLY, ANTHROPOLOGICALLY, AND BIOLOGICALLY SOUND FOR THE STATE,

the species, and any related species."

Both of these 1991 Acts require social and economic consideration for fishery management action.

3. Act 708 Section 638.5. Saltwater fishery standards A.(4) provides further direction:

A. (4) If it becomes necessary to allocate or assign fishing privileges among various fishermen, such allocations to the extent practicable shall be:

(a) Fair and equitable to all such fishermen;

(b) Reasonably calculated to promote conservation;

(c) Carried out in such a manner that no particular individual, corporation, or other legal entity acquires an excessive share of such privileges; and

(d) In the best interest of the citizens of Louisiana.

A. (5) Conservation and management measures shall, where practicable, promote efficiency in the conservation and management of fishery resources; except that no such measure shall have ECONOMIC ALLOCATION AS ITS SOLE PURPOSE.'

The first provision of the resolution presented today takes a quarter of a million pounds of trout from the commercial sector. This is a potential revenue loss of one half million dollars. This is a serious loss. No biological nor technical data is available supporting this provision. The 1991 Trout Stock Assessment supports continued application of both the present TAC (total allowable catch) and the present allocation between commercial and recreational fishermen. There is no indication about the future allocation of this quarter of a million pounds of trout. As recreational fishermen increase in numbers will these fish actually become part of the 25 (or fewer) fish bag limit? The recreational industry is faced with tough times ahead as the numbers of recreational fishermen continue to increase. There is no evidence of a fiscal impact study nor a social impact analysis required by law.

The second provision of the resolution generates several likely results which have not been taken into consideration and certainly not examined thoroughly as required by law. This provision opens the trout season September 15th and closes the season April 1st. If the quota has not been reached by April 1st it is relinquished as there is no provision to carry unharvested pounds forward to the following season. The commercial industry has begun to harvest and market many species of finfish successfully. Presently a fishermen selects, in response to market conditions, the best time of the year to harvest most profitably. This quota provision will generate most trout harvest during the late fall and early winter when they are worth

the least. The fishermen will be forced to "derby fish" in an effort to harvest the full quota before closure. Market supply will be closed during many lenten periods. Fish rarely act the same year after year. There are commercial industry records of many years the commercial trout harvest wasn't profitable until later than April 1st. Some areas of Louisiana, Lafourche, Jefferson, and Terrebonne Parishes included, historically harvested trout during the late spring, summer, and early fall. These areas, and others, may have unequal access to the quota under this provision.

The third provision prohibits netting for trout during the week ends. Two 1991 legislative acts must be considered.

1. Act 708 Section 638.5. Saltwater fishery standards A.(6) states, "Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication."

2. Act 886 Section 320. Methods of taking freshwater or saltwater fish

* * *

states,

"H.(1) It shall be unlawful for any person to knowingly and intentionally use or employ any gill net to encircle a vessel or to otherwise knowingly and intentionally use or employ any vessel or commercial fishing gear to interfere with the lawful recreational fishing of another.

(2) It shall be unlawful for any person to knowingly and intentionally use or employ any vessel or recreational gear to interfere with the lawful commercial fishing of another."

* * *

The rationale offered by the proponents of this third provision has been "to reduce conflict between recreational and commercial fishermen." This provision is clearly according to law an unnecessary duplication.

In closing, OLF respectfully requests the withdrawal of this resolution and further recommends the Commission seek the opinion on proposed resolutions from the Attorney General prior to further management actions of this nature.

CO Chairman

Gene Young

September 5, 1991

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FOR MAXIMUM CONTINUING SOCIAL AND ECONOMIC BENEFIT TO THE STATE

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CO Chairman

Edie Yeoman

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
SEPTEMBER 5, 1991

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of August 9, 1991.
Presentation to Computer Section - Recognition.
- ✓ 3. Trout Management - Warren I. Pol
- Next Meeting* 4. Full Report and Update on D.A. Reporting - Bert Jones
- Next Meeting* 5. Update on Collection of Civil Penalties - Bert Jones
- ✓ 6. Ratification of Gamefish Fingerling Aquaculture/Rules and Permits - Bennie Fontenot
- ✓ 7. Notice of Intent/Confidentiality of Fisheries Department Data - Karen Foote
- ✓ 8. Ratification of Waterfowl, Rail and Gallinule Hunting Seasons/1991-92 - Hugh Bateman
- ✓ 9. Resolution on Land Acquisition - Hugh Bateman
- ✓ 10. Ratification of Alligator Rule Change - Tommy Prickett
- ✓ 11. Set 1991-92 Trapping Season - Tommy Prickett
- ✓ 12. Report on Fish Kills - Gary Tilyou/ Jerry Clark
- ✓ 13. Monthly Law Enforcement Report - Winton Vidrine
- ✓ 14. Acting Secretary's Report to the Commission - A. Kell McInnis III
- ✓ 15. Set Date for December Meeting
16. Public Comments

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LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
SEPTEMBER 5, 1991

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14. Acting Secretary's Report to the Commission - A. Kell McInnis III
15. Set Date for December Meeting
16. Public Comments

September 3, 1991

NEWS RELEASE

Approved AKM

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, September 5, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of August 9, 1991
2. Trout Management
3. Full Report and Update on D.A. Reporting
4. Update on Collection of Civil Penalties
5. Ratification of Gamefish Fingerling Aquaculture - Rules and Permits
6. Notice of Intent - Confidentiality of Fisheries Department Data
7. Ratification of Waterfowl, Rail and Gallinule Hunting Season Dates
8. Resolution on Land Acquisition
9. Ratification of Alligator Rule Change
10. Set 1991-92 Trapping Season
11. Report on Fish Kills
12. Monthly Law Enforcement Report
13. Acting Secretary's Report to the Commission
14. Set Date for December Meeting
15. Public Comments

August 29, 1991

NEWS RELEASE

Approved ARM

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, September 5, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of August 9, 1991
2. Trout Management
3. Full Report and Update on D.A. Reporting
4. Update on Collection of Civil Penalties
5. Ratification of Gamefish Fingerling Aquaculture - Rules and Permits
6. Notice of Intent - Confidentiality of Fisheries Department Data
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8. Resolution on Land Acquisition
9. Ratification of Alligator Rule Change
10. Set 1991-92 Trapping Season
11. Monthly Law Enforcement Report
12. Acting Secretary's Report to the Commission
13. Set Date for December Meeting
14. Public Comments

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898
(504) 765-2800

Buddy Roemer
Governor

August 29, 1991

W/ Bert's items

MEMORANDUM

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary
RE: ~~September~~ Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, September 5, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Qual Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of August 9, 1991

WARREN POL

2. Trout Management

BERT JONES

3. Full Report and Update on D.A. Reporting
4. Update on Collection of Civil Penalties

JERRY CLARK

5. Ratification of Gamefish Fingerling Aquaculture - Rules and Permits
6. Notice of Intent - Confidentiality of Fisheries Department Data

August 29, 1991
Page 2

ROBERT H. CHABRECK

7. Ratification of Waterfowl, Rail and Gallinule Hunting Season Dates
8. Resolution on Land Acquisition
9. Ratification of Alligator Rule Change
10. Set 1991-92 Trapping Season

WINTON VIDRINE

11. Monthly Law Enforcement Report

A. KELL MCINNIS III

12. Acting Secretary's Report to the Commission
13. Set Date for December Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

August 27, 1991

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary
RE: August Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, September 5, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of August 9, 1991

WARREN POL

2. Trout Management

BURT JONES

3. Full Report and Update on D.A. Reporting
4. Update on Collection of Civil Penalties

HOUSTON FORET

- 5.

JERRY CLARK

6. Ratification of Gamefish Fingerling Aquaculture - Rules and Permits
7. Notice of Intent - Confidentiality of Fisheries Department Data

August 27, 1991
Page 2

ROBERT H. CHABRECK

8. Ratification of Waterfowl, Rail and Gallinule Hunting Season Dates
9. Resolution Land Acquisition
10. Ratification of Alligator Rule Change
11. Set 1991-92 Trapping Season

WINTON VIDRINE

12. Monthly Law Enforcement Report

A. KELL MCINNIS III

13. Acting Secretary's Report to the Commission
14. Set Date for December Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs



RECEIVED

AUG 21

INFORMATION &
EDUCATION DIV.

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

Please write on the bottom of this memo and return to PAULA CALLAIS by Wednesday, August 21st, any agenda items your office may have for the Thursday, September 5, 1991, Commission meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, Quail Drive. This meeting will begin at 10 a.m. on September 5th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*Paula - we (I&E) have
nothing for this agenda -
8/26/91
Bob Dennie*

Secret

RECEIVED

AUG 23 91

August 8, 1991

OFFICE OF THE SECRETARY

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

MR. REUTHER'S FROM SEAFOOD CO., INC.
NEW ORLEANS WOULD LIKE TO HAVE FISHERIES
REPORT. REPORT OF FISH AND SHELLFISH CAUGHT
OR PURCHASED FROM FISHERMEN, PUT ON AGENDA.
MR. REUTHER WILL ATTEND THE MEETING AND
SPEAK ON HIS BEHALF.

Sharon Bateman

RECEIVED

AUG 21 91

WILDLIFE & FISHERIES
OFFICE OF THE SECRETARY

August 8, 1991

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*Since we are having a committee meeting on trout -
(seasons, quota, etc) I want a single item [Trout Management]
included on the agenda, to discuss what took place at
the meeting Tuesday -*

Warren Pol



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

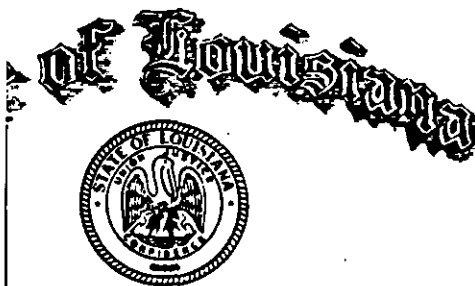
Enforcement Report
W. Vidrine

Paula -

Please copy
B. Chabreck

Thank z

H. Bateman



DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

1- Resolution ^{FOR} *Limit approval of waterfowl, rail and gallinule hunting season dates.*

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

2- Resolution, Land Acq.

H. Bateman
R. Helm
B. Lorne

> ATTENDANCE

H. Bateman



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

Enland Fish Division Agenda - Bennie Foutch

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*"Ratification: Catfish Fingerling
Aquaculture - Rules and Permits"*

RECEIVED
LA. DEPT. OF WILDLIFE & FISHERIES

AUG 20 1991

FISH DIVISION

*I will be the only
person attending the
meeting from my Division
Bennie*



*610-ask Bureau
check*

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
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FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

8-21-91

Fisheries Research Division AUG 20 1991

ADMINISTRATOR
FISHERIES RESEARCH
DIVISION

- Notice of Intent -

- Confidentiality of Fisheries Dependent Data

Joey Shepard and I will attend the meeting.
Kare Fote



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 96000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
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FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

No items
8/20/91



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 88000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

*Paula - nothing
for the agenda for
HCD Division
Thank
8/21/91*

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

AUG 21 91

HABITAT
CONSERVATION

*Blue + Gary - Please
list here if you have
anything
nothing - Gary 21 Aug 91*



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

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TO: Undersecretary, Assistant Secretary-Office of Wildlife,
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FROM: A. Kell McInnis III, Acting Secretary

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Thank you for your cooperation!

AKM/sb

C: ~~AK~~ Don Puckett
Bob Dennie
Winton Vidrine

NOTHING



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*I would like an agenda
Item to give special
notice to our computer
action and certain people.
— Should we make it a separate
item or do it before the
commission under other business?*

6

August 22, 1991

M E M O R A N D U M

TO: Chairman and Members of Commission

FROM: A. Kell McInnis, III

RE: September Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 AM on Thursday, September 5, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be on the agenda:

1. Approval of Minutes of August 9, 1991

WARREN POL

2. Trout Management

7 Houston Direct
JERRY CLARK

3. Ratification of Gamefish Fingerling Aquaculture-Rules and Permits
4. Notice of Intent - Confidentiality of Fisheries Department Data

ROBERT H. CHABRECK

5. Ratification of Waterfowl, Rail and Gallinule Hunting Season Dates
6. Resolution - Land Acquisition

Page 2
August 22, 1991

WINTON VIDRINE

7. Monthly Law Enforcement Report

A. KELL MCINNIS III

8. Acting Secretary's Report to the Commission

9. Set Date for December Meeting

PUBLIC COMMENTS

AKM/pc

c: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

Please write on the bottom of this memo and return to **PAULA CALLAIS** by Wednesday, August 21st, any agenda items your office may have for the Thursday, September 5, 1991, Commission meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, Quail Drive. This meeting will begin at 10 a.m. on September 5th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

Capt. Pite

August 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary

RE: Commission Meeting Agenda - September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis, III
Acting Secretary



91-127

9/03/91

CONTACT
(504) 765-2919

Amended AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Thursday, Sept. 5, in the Louisiana Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The following will be on the agenda:

1. Approval of minutes of Aug. 9.
2. Trout management.
3. Full report and update on D.A. reporting.
4. Update on collection of civil penalties.
5. Ratification of gamefish fingerling aquaculture - rules and permits.
6. Notice of Intent - confidentiality of fisheries Department data.
7. Ratification of waterfowl, rail and gallinule hunting season dates.
8. Resolution on land acquisition.
9. Ratification of alligator rule change.
10. Set 1991-92 trapping season.
11. Report on fish kills
12. Monthly law enforcement report.
13. Acting Secretary's report to the Commission.
14. Set date for December meeting.
15. Public Comments.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis III
Acting Secretary



91-125

8/30/91

CONTACT
(504) 765-2923

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Thursday, Sept. 5, in the Louisiana Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The following will be on the agenda:

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10. Set 1991-92 trapping season.
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12. Acting Secretary's report to the Commission.
13. Set date for December meeting.
14. Public comments.

Louisiana Conservationist

① Draft
Corrections
made 9-22-91
SS.

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

September 5, 1991

Chairman James H. Jenkins, Jr. presiding.

Thursday, September 5, 1991

Houston Foret
Bert Jones
Norman McCall
Warren Pol
Jeff Schneider
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the August 9, 1991, **Commission Minutes**. A motion for adoption was made by Mr. Pol and seconded by Captain Vujnovich. The motion passed unanimously.

Chairman Jenkins asked Ms. Bettsie Baker to make her **Presentation to the Computer Section**. Ms. Baker reported that when she first came to the department a lot of the scientific staff came to her with problems that they had with computing services. At this time the main frame computer only serviced certain sectors of the department. Since the scientific staff was becoming more and more scientific in their biological data and analysis they needed enhanced capabilities through the computer system. A dream was planted three and a half years ago to acquire a new computer that would better suit not just the needs of the accounting staff, licensing section and boat registration, but everybody. People within the department spent quite a lot of time meeting with various computer companies looking at what the department's needs were to move into the next generation of computing capabilities. The department was able to work through all of the appropriate budget processes to come forward and acquire a new computer. Ms. Baker pointed out that the acquisition of the new computer is only one piece of this process; making the computer work is a major undertaking and stated that she was very proud to say that the department's computer staff was able to bring this computer dream on line, on budget, and on time which was a miracle. At this point during the meeting Ms. Baker recognized the following people for their efforts in this project and presented them each with a certificate.

S. K. Majahan
H. F. Wilson

Henry Gauthier
Tim Souther

Gail Sims
Denise Dubois
Ela Mae Dupui
Janelle Sutton
Tabatha Demary
Anselmo Rodriques

Julie Phillips
Al Brown
Gladsey Pratt *Gladys*
Danny Veals
Doug Moranto
Bobbie Savant

Special recognition was given to Danny Veals who was presented with a plaque. Mr. Veals traveled statewide to the different offices and put this statewide computer network on line. Concluding, Ms. Baker thanked everybody for their efforts.

Chairman Jenkins advised that the next item on the agenda was the **Trout Management** issue and proceeded to give some background information. The legislature this year decided to give speckled trout management to the Commission advised Chairman Jenkins. This issue is not just a biological issue, but also a social and economic issue, and dividing the resources among users is a tough problem. The Commission formed a Marine Finfish Task Force which has met on at least two occasions with some public input. The committee is made up of primarily staff and Commission members. Statistics and different scenarios were reviewed. After deliberations the committee, last Thursday, did vote to make a recommendation to the Commission. Chairman Jenkins called on Mr. Pol for the recommendation.

Mr. Pol advised that the five man committee was made up of Jenkins, Vujnovich, McCall, Schneider and himself. Mr. McCall was not able to attend the meeting. The suggestion, resolution and motion of the committee was unanimous. Mr. Pol than read the following recommendation:

"For the year of 1991 the trout season will begin on September 1, 1991 and end on April 1, 1992. For the year of 1992 the trout commercial season will begin on September 15, 1992 and end April 1, 1993 and continue there after. The quota for commercial catch has been reduced from 1,250,000 pounds per season to 1,000,000 pounds which has been the historical catch for a number of years. The commercial season will last until the quota or April the first is reached, whichever come first. There shall be no nets for any saltwater fish in the water from midnight Friday to sunset on Sunday."

Mr. Pol continued and read another recommendation from the Committee.

"After many complaints, phone calls,... netters, the length of the 1991 season the committee directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be enforcement, surveillance, routine checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum

of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be a special phone number set up for the purpose of receiving and documenting complaints or violations. The Secretary shall give Chairman Jenkins a report on the formation of this task force within two weeks of this meeting."

Concluding, Mr. Pol advised that these were the recommendations from the committee which were unanimously voted on.

Chairman Jenkins called for public comments on the recommendations for trout management. Public comments were limited to three minutes each.

Mr. Justin Schoest, commercial fisherman, Franklin, LA. addressed the Commission. Mr. Schoest fishes out of Cypremort Point and advised that he always has a man on his nets from the day they are put out to the day they are picked up. Mr. Schoest is against closing the weekend to netting and forming another task force. He feels that there are too many laws already and wants to know what the reason is for closing the weekend to netting.

Ms. Jane Black, spokes person for the Organization of Louisiana Fishermen, addressed the Commission. Ms. Black reviewed provisions of Act 157 and 708 of 1991 legislation. In these provisions it is stated that management decisions and conservation decisions should be based upon biological and technical data in no less than four places. Ms. Black asked if there has been a change during the last few months, since the results of the stock assessment, to cause the Commission to recommend this action. At the time the stock assessment was explained to the Commission and to the public it supported the existing total allowable catch and the allocation between the recreational and commercial fishermen. Act 708 states that if allocations or assignments are necessary they are to be fair and equitable to all the fishermen and reasonably calculated to promote conservation. Ms. Black stated that she would like to know if the resolution is a conservational resolution, does it promote conservation; if so why is the only conservation action taken against one group and not against the other group. The first provision of the resolution takes a quarter of a million pounds of trout from the commercial trout fishery. This is a potential revenue loss of a half million dollars. There is no biological nor technical data available supporting this provision. There is no indication about future allocation of this quarter of a million pounds. Could it possibly be that this quarter of a million pounds will later become part of a twenty five fish recreational bag limit or even a smaller recreational bag limit. The recreational industry is faced with tough times ahead with their numbers increasing. There is no evidence of a fiscal impact study nor a social impact analysis required. There is no evidence what is going to happen with these fishermen when they lose a quarter of

a million pounds of fish. The second provision of the resolution generates several results that are unlikely have not been considered. In particular there are fishermen in the state who traditionally harvest their fish in the late spring, summer and early fall. These fishermen will not have equal access as the quota will be filled prior to their harvest period. If not filled the season will be closed because of the force of the date. This action to create the season from September 15 to April 1 is going to create derby fishing. The commercial fisherman will be forced to harvest in a quick fast manner in order to fill the quota before the day closes the quota rather than the poundage. It is going to force the fishermen to fish during the winter when trout are worth the very least amount of money. It will be an economic impact that has not been analyzed. The third provision prohibits netting on weekends. Ms. Black stated that she understood that the provision was to be netting for trout, but today she understands it is for all fish. The only rationale for this provision that Ms. Black has been able to find from the proponents is "to reduce conflict between recreational/commercial fishermen". Not a management decision, not a conservation decision but a decision to reduce conflict. In 1991 in Act 886 a bill that was sponsored by Representative Roach from Cameron and passed states "No one can willfully encircle a recreational fisherman with a commercial net nor intentionally hurt him in anyway with his boat. Neither can any recreational fisherman intentionally use or employ a vessel or recreational gear to interfere with a lawful commercial fisherman". Also in Act 708 of this year's legislation in the Fisheries Standards it states "Conservation and management measures shall minimize cost and avoid unnecessary duplication." With Act 886 in place this provision of this resolution is an unnecessary duplication if in fact there is a problem, the problem has already been addressed and the removal of fish nets for the weekends is a duplication of existing law. In closing, Ms. Black respectively requested the complete withdrawal of this resolution and recommended that the Commission seek the opinion on the proposed resolution and others of this type in the future from the Attorney General before proceeding forward.

Mr. Peter Gerica, Lake Pontchartrain Fishermen's Association, addressed the Commission. Mr. Gerica stated that he was mostly representing himself. Mr. Gerica is completely against the no nets provision and asked why? Is the Commission trying to completely put the commercial fishermen out of business just for a few GCCA members so that the sports can go out on the weekend. This is unfair and Mr. Gerica cannot understand why somebody would vote for this. There are more trout right now than there have been in the last ten years. Why all of the change?

Mr. Daniel Edgar addressed the Commission. Mr. Edgar advised that he had a few questions but Ms. Black addressed most of them. Mr. Edgar advised that the conflict between the recreational and commercial fishermen is in the summertime and he is really

concerned that this would be stopping the weekend fishing when the recreational fishermen are not out there in the wintertime. Don't stop the commercial fishermen from working when the problem is not even out there stated Mr. Edgar. This is unfair. Mr. Edgar requested a copy of the resolution. Chairman Jenkins pointed out that this was not a motion of the Commission but just a recommendation that came out of a committee meeting. Mr. Edgar advised that he was also concerned that the Marine Finfish Task Force members and commercial representatives were not consulted, invited, etc. to the meeting. Chairman Jenkins explained that this was a meeting of a committee of the Commission and it was not a public hearing but the public was invited to come. Notices were given and there were a few people in attendance. This was primarily a discussion between the Commission members on the committee and the staff. The meeting today is the public hearing advised Chairman Jenkins.

Mr. Barry Schaffer, commercial fisherman, Metairie, LA, addressed the Commission. Mr. Schaffer is against the no netting on the weekends. Mr. Schaffer advised that he very seldom fishes for trout, but fishes mostly for sheephead. The department has nothing on the sheephead (management plan, quota, etc), so how can the department tell him he cannot fish them on the weekend? The people that sat on the committee/task force represented the GCCA and there was no one that represented the finfish fishermen of Louisiana stated Mr. Schaffer.

Mr. Milton Cambre, recreational fisherman, Norco, LA, addressed the Commission. Mr. Cambre advised that he has been fishing for speckled trout for forty years and it is getting very difficult. At the point now unless something is done he just as well hang it up. Mr. Cambre pointed out that unless something is done there is not going to be anything for anybody.

Mr. Russell Black, Lafourche Parish, member of OLF, addressed the Commission. Mr. Black advised that he lost everything four years ago because of restrictions and it is really sad what the Commission is trying to do to the commercial fisherman.

Mr. Ed Martin, commercial fisherman, Lafourche Parish, addressed the Commission. Mr. Martin advised that he makes thirty-forty percent of his income catching other fish besides speckled trout. It is getting worse every year and the Commission is putting the fishermen out of business.

Mr. H.R. Burke, recreational fisherman, Baton Rouge addressed the Commission. Mr. Burke advised that he has made four trips to go speckled trout fishing in the last month and did not catch the trout. There wasn't one trout caught that measured over thirteen inches long. Every year it is less and less. Commercial people have strained the water of the big trout.

Mr. Harlen Pierce, Secretary-Treasurer of the Louisiana Seafood Marketing Board addressed the Commission. Mr. Pierce asked the following questions: 1) How do people get notification of the committee meetings that are occurring? 2) What members of the technical staff of the department were present at these meetings of the committee? 3) What are the opinions of the technical staff regarding these recommendations? 4) What are the motives or how are each and every part of the plan justified? 5) What is the biological data to justify these actions? 6) Questioned the one million pounds quota being the historical ten year average. The quota was given to the commercial sector not because of over fishing of speckled trout but because red fish had been shut down and it was the concern of the department that the pressure would go to speckled trout, not because the trout was endangered. A hundred and four days will be taken away with the weekend ban not just for trout fishermen but for every other fisherman in the water. 7) Does this plan affects the shrimper? The fisherman fishes when he can catch fish, not because it is a Saturday, Sunday, Monday or Tuesday. All the proposal are aimed at the commercial sector. 8) Why is the commercial sector taking the brunt of the attack and can it be justified? The National Marine Fisheries reports show that twenty two percent of the recreational sector's catch has been over the limit catch. Concluding, Mr. Pierce asked that these questions please be answered.

Mr. Elliot Schoest, Jr., commercial fisherman from Cypremort Point, addressed the Commission. The commercial fisherman does not hurt the fish. When the quota is caught the commercial fisherman shuts down. Certain size meshes are used so that the younger specks are not caught. During the spawning season when the sports fisherman catch the big trout a lot of baby trout are killed. The sport fisherman is catching the fish for pleasure. Mr. Schoest pointed out that he is catching fish in order to make a living and asked that the Commission be just on the commercial fisherman.

Mr. Jessie Fontenot, Morgan City, addressed the Commission. Mr. Fontenot advised that he was here to represent the commercial and sport fisherman. Mr. Fontenot chairs a committee for the St. Mary Industrial group which is a non-profit organization. There are 150 members who are all business people and employ between 16-20,000 employees. The group is involved in political and industry and work very hard to develop industry and protect industry. Mr. Fontenot stated that one of his concerns was with all the specks there are why did it take eleven months to catch a million and a quarter pound. Everybody needs to protect what we have. Sportsmen have done their share to cut limit. Would like for the sportsmen and commercial fishermen to work together. Mr. Fontenot very strongly supports the department's program.

Mr. Richard Green, Lafourche Parish, addressed the Commission. Mr. Green questioned the recreational fishermen catching over their

limit and how come the recreational fishermen have the weekends. Give the commercial fisherman a break.

Mr. Daniel Edgar addressed the Commission again. Mr. Edgar asked that with the timetable set does it mean that after April 1st or 15th the commercial fisherman will be able to fish nets on the weekends in the summertime. Chairman Jenkins stated "no". Mr. Edgar asked if it was going to be no weekend fishing for the entire year. Chairman Jenkins stated "right". Mr. Edgar asked if during the timetable from September to April they will not be able to fish speckled trout, can they fish for other fish. Chairman Jenkins stated that the way the resolution or motion read it said "no nets in the water on the weekends from September 15th till April 1st and then no nets in the water from April 1st to September 15".

Mr. Pol explained that the way it reads is that from September till April there will be no netting on the weekends. Also during the season that is closed, from April till September, there will be no netting on the weekends. Mr. Edgar stated that where he is confused is that he is trying to get the difference between summer and winter with the gill nets on weekends and has concluded that it is no nets on weekends annually. Mr. Pol stated "yes" that is the way the resolution reads. Mr. Edgar asked if the task force or committee that was formed addressed shrimping or other types of netting, is this saltwater and freshwater. Mr. Pol advised that it is just saltwater. Mr. Edgar requested that the Commission answer the questions from Ms. Black, and Mr. Pierce in writing.

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Mr. Mark Hilzim, GCCA, addressed the Commission. Mr. Hilzim read the following statement on behalf of the GCCA. "As you no doubt are aware GCCA and some twenty other groups introduced legislation to grant gamefish protection to both specks and reds. That same legislation also granted authority to the Wildlife and Fisheries Commission to regulate specks and red. While redfish were a quota gamefish status specks weren't. The authority for the Commission to manage specks, however, were provided in the final legislation. And of course it is a result of that legislation that we are here today to discuss changes in the management of speckled trout. Now while GCCA supported legislation to give the Commission authority for speckled trout I think it is important to know that the action which you are considering today is not being taken as a result of pressure by GCCA. GCCA did not propose the changes which you are considering, and while GCCA participated in discussions held by the Finfish subcommittee of the Commission GCCA has had no formal hand in the drafting or decision making processes surrounding today's action. It was GCCA's position during the recent legislative session and remains GCCA's position that speckled trout should be ~~a~~ ~~quota~~ gamefish protection. It remains a mystery to us that trout cannot be afforded the same protection as ~~of~~ ~~a~~ highly valuable and limited public animal resources. Even the most cursory look at both the statistics and the effect on this and current regulations tells you that something is wrong. Recreational trout landings and

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pounds have dropped steadily from 1986 to 1990 with 1990 weighing in at less than twenty six percent of 1986 figures. The recreational share of the fishery has dropped from its 1980 to 1989 average of eighty three percent to only sixty eight percent in 1990. These decreases aren't only numbers on paper they also represent a tremendous impact on those many thousands of people who depend on the recreational to support themselves. Ask any boat dealer, tackle dealer, bait dealer, coastal restaurateur, motel owner, etc. what impact the down turn in the recreational saltwater fishing economy has had on their business. And this is no small industry, as much as a billion dollars a year or more. And while we know that there are problems in the fishery and while we know that this fish is much, much more valuable in the state when used recreationally we are still forced to sit back as we did this summer and watch a army of netters catch every trout in sight because a quota has not been reached. This quota, of course, is one that depends on the commercials themselves accurately reporting their catch. Since 1986 when the first comprehensive set of regulations was enacted for speckled trout recreationals have had their take cut by both minimum size and creel limits reduction. This has put them below their 1980 to 1986 average while the commercial fishermen is fishing at least twenty six percent above his 1980 to 1986 average. The one originally used to compute the quota. If speckled trout is the most important recreational fish why are we taking it away from the recreationals and giving it to the commercials. One thing is obvious. We can't take another summer like this past one. The fish can't take it and the potential for a dangerous confrontation is just to great. I make all these points to put the action that we are considering today in the proper perspective. It is not the power play of one user group over the other, it is not the test of one group's political strength over the strength of another, rather it is the action of those people who have been lawfully charged with the authority and responsibility to manage Louisiana's fisheries resources. It is an action which I am sure all will take after considering all aspects of the problem, biological, economic and social. It considers historical characteristics of the fishery, the enforcement realities of managing the fishery, and the need to resolve a growing conflict. This Commission will not be acting in the dark. The trout profile and stock assessment released by the department provides a good look at the fishery. ~~The peer of use from~~ scientists and agencies throughout the Gulf give testimony to the fact that the fishery does need more protection. Finally, the action operates well within the framework established in the fisheries policy adopted by the legislature earlier this year. It's aimed at providing plentiful fish populations, it takes into account historical usage, it is not merely an economic allocation, and it takes into consideration the ~~revelent~~ economic and social factors. While GCCA still believes that specks should be gamefish and would go even further if we were the decision makers we support this proposed action as an important first step in providing greater protection for Louisiana's speckled trout fishery. And

let's not forget that this is only a first step. The Commission has the authority to continually adjust the speckled trout fishery and GCCA looks forward to a continuing effort to properly manage and conserve this valuable renewable resource. Thank you."

Mr. Clay Peltier, marine dealer, President of the Louisiana Marine Trade Association and Regional Director of Marine Retailer Association, New Iberia, LA, addressed the Commission. Mr. Peltier addressed the economic impact of the recreational fisherman on Louisiana industry. The list is never ending and it is a big industry in Louisiana. Mr. Peltier pointed out a study that was done in 1984 by LSU, Center for Wetlands Research and the annual economic impact or the annual expenditures of license, recreational saltwater fisherman is estimated to at \$487,619,000.00. The statewide annual impact of investment expenditures is \$151,000,000.00. The total annual contributions of license sold to recreational fishermen to Louisiana economy is conservatively estimated to be \$639,496,000.00. This study did not take into consideration at the time several other fields that now have a big impact and ~~are~~ bring dollars into the state. Concluding, Mr. Peltier stated that this is a big industry, he hated to see it come down to a battle between the recreational and commercial fishermen, but thinks, like Mr. Hilzim said, we have to be concerned about the species. If the trends keep going like they are now there will be none for no one.

Mr. Glenn Cormier, recreational fisherman, Baton Rouge, addressed the Commission. Mr. Cormier pointed out that not all GCCA members are out to put them out of business. GCCA wants to protect the resource. Relieves the real problem that has come up is the problem of gill nets. Four states have outlawed gill nets in inside waters (California, South Carolina, Georgia and Texas). There is a movement in Florida to eliminate gill nets. The trout plan itself showed that prior to 1977 seventy four percent of the commercial fishermen preferred hook and line and the catch data showed that the poundage price in 1977 was equivalent to what it is now. Mr. Cormier stated that he was not here today to advocate that gill nets be done away with altogether but thinks if the problems cannot be resolved that maybe this suggestions should be looked at. Mr. Cormier also pointed out that there are problems on the recreational side that they are just as concerned about (catching over the limit, illegal size, etc.) but what he was more concerned was the newspapers showing the big strings of fish and stating that trout fishing is great which is not true. Everybody needs to work together and make sure that they all do what is best for the resource concluded Mr. Cormier.

Mr. Karl Turner, Executive Director, Louisiana Seafood Promotion Board, addressed the Commission. Mr. Turner questioned that while the intention of this regulation is to address certain concerns with the trout fishery the closure of the season for weekend fishing of all commercial netting activity would also impact the

menhaden fishery, the mullet fishery, the shrimp fishery and other components of the commercial fishery and was consideration given to the impact it would have on those other fisheries if not then it should be considered.

Mr. Elliot Schoest, Jr. addressed the Commission again. Mr. Schoest asked if the Commission ever thought about when the fish were spawning and make a season where the sports and commercial people cannot catch them.

At this point during the meeting Chairman Jenkins called for a five minute recess.

Resuming the meeting, Chairman Jenkins called for additional public comment before going to the Commission.

Mr. Justin Schoest, addressed the Commission again. Mr. Schoest asked if this no netting law has anything to do with shrimp trawling on the weekend? Chairman Jenkins stated "no sir". Mr. Schoest asked if it was for inside waters or outside waters. Chairman Jenkins stated that they don't control outside waters very far but to the extent that the Commission and state can control them it would be in those waters.

Mr. Pete Gerica addressed the Commission again. Mr. Gerica questioned the "no netting in the water" and what kind of nets are you talking about? Mr. Pol advised that he thinks the resolution would clear this up. Chairman Jenkins stated that there is not a motion yet but understands Mr. Gerica's question.

Chairman Jenkins asked the Commission if they had any questions or wanted to make a motion.

Mr. Foret advised that there should not be any quota, he was happy with the dates and to make it more even the recreationalists should give at least one of their months where no fishing at all should be allowed during spawning season. The fish in the water do not just belong to one group and disagrees with Mr. Hilz's statement that the trout should only be a gamefish. The fish that are out there belong to everybody in the State of Louisiana.

Captain Vujnovich advised that he agrees with Mr. Foret and goes along with no netting of speckled trout on the weekends, but this taking all nets out of the water will automatically put everybody that is in the oyster business out of the water also. Nets are used to catch oysters. Captain Vujnovich stated that he does not see too many speckled trout in Barataria Bay and if something is not done speckled trout will disappear slowly but surely. A study should be made of what is happening. Captain Vujnovich thinks the pollution of the water is causing the biggest fish kills.

Mr. Jones stated that he needed a little clarification of the nets that they are speaking of in the water.

At this point in the meeting Mr. Pol read the following notice of intent and resolution as a motion.

"This is a notice of intent. The Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana. The proposed rules and regulations are as follows: There shall be a closed season for the commercial take from Louisiana waters and a prohibition of the commercial possession including but not limited to prohibition of the possession on any vessel, possession or fishing any seine, gill net, trammel net or hoop net of spotted trout (only thing taking into consideration) whether taken from within or without Louisiana waters and the commercial sale, barter or trade of spotted seatrout in Louisiana. There shall be a prohibition of the commercial take from Louisiana waters and the commercial possession of spotted seatrout on the waters of the state included but not limited to a prohibition of the possession during the closed season period on any vessel possessing or fishing any seine, gill net, trammel net or hoop net of spotted seatrout whether taken from within or without Louisiana waters from sunset Friday through Sunset Sunday for every weekend of the open commercial spotted seatrout season. The commercial quota for spotted seatrout shall be one million pounds. The commercial season for spotted seatrout shall be closed on the earlier date of when the staff or the Department of Wildlife and Fisheries predict the one million pound quota will be met each year. (In other words, which ever comes first.) Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period or commercial dealers and anyone other than a commercial fishermen licensed to sell, barter or exchange spotted seatrout. (No other fish is involved.) (From possessing spotted seatrout taken legally during any open period provided that those who were required shall maintain appropriate records in accordance with revised statute 56:30(C) 6.4. pursuant to revise statute 56:322 and effective with the seasonal closure or the closure coming from the quota has been reached, or projected to have been reached. The legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state other than strike nets shall be a minimum of four and one half inches stretches and a person shall have in possession or used aboard a vessel no more than two strike nets. Interested persons may submit written comments on a proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

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already filed

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the 1991 regular session of the Louisiana legislature, Revised Statute 56.6; 56.325.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission.

Upon conclusion of the reading of the notice of intent Mr. Pol advised that this is only for spotted seatrout.

Chairman Jenkins informed everyone that this was a motion on the notice of intent and asked Mr. Puckett if the motion on the notice can be made prior to the motion on the resolution.

Mr. Foret asked about the four and a half inch stretch and stated that he thought it was three and a half inch before. The bigger the mesh the worst it is going to be. Mr. Pol advised that he would have to direct that to Dr. Clark.

Mr. Puckett advised that the Commission could take action on the notice of intent at this time and added that he has one minor (grammatical) change on the wording of what Mr. Pol had read and that is to move the phrase "possession of spotted seatrout" where it would read "prohibition of the possession of spotted seatrout on any vessels possessing or fishing any seine, gill net, trammel net or hoop net.....". The same change also concerning the weekend fishery. Mr. Pol advised that he would accept the change

Mr. Puckett further advised that on the AUTHORITY NOTE it would be ACT 157 and Act 534 of 1991.

Mr. McCall seconded Mr. Pol's motion and Chairman Jenkins called for discussion by the Commission. Mr. Foret asked about the four and a half inch mesh. Mr. Pol asked Dr. Clark to clear this up. Dr. Clark stated that this is not a change from the current statute. When the quota has been reached currently the words that were just read come into play by statute and there is not a change. All it is saying is when the season closes that the mesh size will change to that size and that is currently in statute. Mr. Foret stated that he understood.

Chairman Jenkins called for further discussion. A gentleman from the audience asked if the weekend things was strictly involved with trout or was that all fish. Mr. Pol advised that he emphasized everytime spotted seatrout.

Mr. Harry Brown, Cameron, addressed the Commission. Asked if the motion that Mr. Pol was making included Cameron Parish. Mr. Pol advised it included the State of Louisiana.

Chairman Jenkins called for a vote on the motion of the notice of intent. The motion passed unanimously.

Mr. Pol advised that there is also a resolution that the committee is referring to the Commission, as a whole, which deals with the

spotted seatrout management. Mr. Pol read the following proposed resolution as a motion.

WHEREAS, the Commission shall have sole authority to establish definite management programs and policies, and

WHEREAS, Act 157 of the 1991 regular session of the Louisiana Legislature revised Statute 56:62(A) such that the Louisiana Wildlife and Fisheries Commission is authorized to manage spotted seatrout, and

WHEREAS, requires in any rule or regulation shall has as its objective the sound conservation, preservation, replenishment and management of that species for maximum continuing social and economic benefit to the state without over fishing that causes shortage, or long term biological damage to any species and regarding all species of fish without over fishing that leads to such damage, and

WHEREAS, Act 708 of the 1991 regular session of the Louisiana Legislature includes among other requirements that conservation and management areas shall prevent over fishing while achieving on a continuing basis the optimum yield while maintaining healthy, plentiful, plentiful stock, and

WHEREAS, the Commission has the Marine Finfish Committee that has met twice in public session to review the discussion the available biological and technical data including information from the department's final draft of a fishery management plan for Louisiana Spotted Seatrout and information from computer models created from the analysis and data contained in the plan and has recommended changes to the management of spotted seatrout in Louisiana based upon these deliberations and associated findings namely: A) the historical commercial fishery is a fall and winter fishery and the historical recreational fishery is a spring and summer fishery and mostly o weekends; and B) the one million pound commercial quota based on reported historical landings for the previous ten years that were set by legislative mandate in 1987 was increased by two hundred and fifty thousand pounds one year later with little apparent consideration of biological and technical data for spotted seatrout; and C) reducing the harvest of spotted seatrout would provide a biological beneficial increase and a spawning stock relative to the size of the reduction; and D) a reduction in the commercial harvests of spotted seatrout would potentially and indirectly increase a recreational harvest, a shift that is likely to benefit the state economically; and E) there is a

continued problem in verifying the true extent of commercial landings; and F) it is technically easier to provide law enforcement during a closed season; and G) there are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space.

THEREFORE BE IT RESOLVED, the Commission directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be the enforcement surveillance, routing, checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be special phone number set up for the purpose of receiving and documenting complaints or violation. The Secretary shall give Chairman Jenkins a report on the formation of the task force within two weeks of this meeting.

Chairman Jenkins asked Mr. Pol if he was going to include in the same resolution, the items covered in the notice of intent with the seasons, limits, poundages. This would need to be covered at the same time in the same resolution. Mr. Pol advised yes. Chairman Jenkins advised that it is understood that this is included in the motion with the additional provision about the enforcement section and called for a second to Mr. Pol's motion.

Mr. Pol advised that he wanted to clear up one item for everybody in the audience. The reason for this task force is the same reason that the Oyster Task Force was created. This task force is not made to just hurt the commercial fishermen, there have been many complaints that recreational fishermen were selling their catch. This task force will be for the sole purpose of enforcing the laws as written for spotted seatrout.

Mr. McCall seconded Mr. Pol motion. Chairman Jenkins called for discussion by Commission members. Captain Vujnovich asked if the task force saw someone violating a law that was not connected with spotted seatrout would they take action. It was advised that they would. Chairman Jenkins asked Mr. Puckett, Legal Counsel, if he was satisfied with the way this was handled as far as the procedure was concerned including the notice of intent and resolution. Mr. Puckett advised that as far as the issue effectuating the notice of intent he would recommend that the resolution includes some language authorizing and delegating to the Secretary the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate the previous approved notice of intent and the final rule, including but not limited to the following of the fiscal and economic impact statements and the filing of the

notice of intent and preparation of reports and correspondence to other agencies of government. Chairman Jenkins asked Mr. Pol if he would accept the addition to his motion. Mr. Pol advised he would. Chairman Jenkins asked Mr. McCall if he would accept the addition. Mr. McCall advised that he would.

Acting Secretary McInnis advised that in reviewing the language contained in the resolution it appears that the language that directs the Secretary to create and gives the instructions about how the strike force is to be created is in conflict with the existing statutory language contained in Title 56 and Title 36. While it is readily recognized the importance that the Commission has brought to mind and to everyone's attention of the regulatory authority that there is concerned ~~about~~ and the reporting of people catching small fish, to many fish, etc. Acting Secretary McInnis advised that he respectively disagrees with the Commission's method. It is the responsibility of the Secretary of the department to create and utilize any such task force and also the purview of the Secretary to assign personnel throughout the state. Acting Secretary McInnis pointed out that he has already met with the Enforcement Division and it is felt like they have a recommendation and a method to utilize the department in an appropriate manner that would solve this problem without the creation of a special task force.

and
Mr. Pol advised that he thinks it is the responsibility of the Commission to direct the Secretary on some things and this is why the Commission is here. If the Commission does not have the authority do direct the Secretary to do certain things then there is no reason for the Commission. Mr. Pol advised that he thinks if regulations are not put on this enforcement they will not have anything. Acting Secretary McInnis stated that he does not disagree with the intent or purpose of this but disagrees with the method being used for this. The staff has given a great deal of time ~~in~~ thought in resolving this problem and working towards a resolution and feel that it is their responsibility to ascertain the use of personnel within the department and respect that the Commission has given them a direction which they will follow and will do it in the manner that they feel is the best way to utilize personnel and solve the problem.

Mr. Pol informed Chairman Jenkins that he calls for the question, vote on motion. Chairman Jenkins called for the vote on Mr. Pol's motion. The motion passed unanimously.

At the end of the meeting Mr. Pol proposed to amend the prior resolution on the spotted seatrout task force. Chairman Jenkins asked Legal Counsel, Mr. Puckett if the Commission could waive the rules on this. Mr. Puckett advised that it is already an agenda item and can be brought up again.

Mr. Pol advised that after consulting with the Enforcement Division, Acting Secretary McInnis and several others he would like to amend the resolution that he presented this morning and made a motion that the changes be as follows: Where the resolution ends on "G) there are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can be reduced by separating them in time and space." that the rest of the resolution following this be struck out and insert the following:

"THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of intent to adopt rules and regulations to alter the management of the state's spotted seatrout fishery through altering the commercial quota, establishing a commercial season and setting times for commercial fishing, and

BE IT FURTHER RESOLVED, that in order to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen the Secretary of the Louisiana Department of Wildlife and Fisheries is directed to develop a plan for the enforcement of such laws and to make implementation of this plan a priority with the department and to report back to this Commission with said plan at the October Commission meeting.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent, and the final rule including but not limited to the filing of the fiscal and economic impact statement, the filing of the notice of intent, and the preparation of reports and correspondence to other agencies of government.

Chairman Jenkins advised that if he understand this correctly Mr. Pol has basically addressed the part about the task force. Mr. Pol stated "yes" this deletes all of this and leaves it up to the Secretary through the Enforcement Division. set

Dr. Jerry Clark requested from Mr. Pol, to make sure that the department has a permanent and complete of the motions made this morning, to insert his documents into the records, all the documents Mr. Pol read from today. Mr. Pol advised he would.

Chairman Jenkins called for a second on Mr. Pol's motion. Mr. Schneider seconded the motion. Chairman Jenkins called for discussion. There being none he called for the vote on the motion. The motion passed unanimously.

Chairman Jenkins called for a recess for lunch and advised that the meeting will reconvene at 1:30 p.m., September 5, 1991.

Chairman Jenkins reconvened the September 5th Commission meeting at 1:30 p.m. and went to Item #12.

A report on the **Fish Kills** was given by Mr. Gary Tilyou. Mr. Tilyou reported that he has the pleasure of serving on the Department of Agriculture Fish Kill panel. The information being presented today is not concerning every fish kill in the state but rather what the panel has looked at. This panel was formed after a series of fish kills this summer. Preliminary investigations indicated that there were some pesticides present in the water. The first meeting of the panel was July 25, 1991, and there have been three other meetings since that time. Other members on the panel include the U.S. Fish and Wildlife Service, Cooperative Extension Service, Soil Conservation Service, Department of Public Health and the Department of Environmental Health Services. Four objectives were decided on at the first meeting. The first objective was to collect and assess all possible data on the fish kills and on information concerning oxygen and azinphos methyl. The second objective was to evaluate the response procedures of the departments that were handling fish kills. The third objective was to identify the causes of the fish kills if possible. The fourth objective was to provide recommendations concerning protocol, use of the herbicide, etc. Mr. Tilyou pointed out that the packages that he gave to the Commissioners shows a map with the locations of the fish kills. The numbers on the map correspond with the numbers in the table in the package. Most of the fish kills that the panel looked at were located in the southern part of the state. There was a large concentration around Iberia Parish. The second page gave some general information on the toxicity of azinphos methyl to aquatic organisms and Mr. Tilyou went on to explain exactly what it meant. Black crappie are very susceptible to the chemical and will die at three parts per billion whereas a species of catfish will take over three thousand parts per billion. This was used as one of the criteria in trying to determine the cause of the fish kills. At one time catfish farmers and aquaculture people in Alabama were considering using this chemical to remove trash fish from their catfish ponds. Mr. Tilyou stated that fish exposed to this chemical will swim erratically, often in circles, and there will be an extreme forward position of the pectoral fin. This was another criteria used in trying to determine the cause of the fish kills. The last group of pages in the package is a table and is the incident by incident results pointed out Mr. Tilyou. This gives the water body, the date reported, the DO levels, chemical levels, species killed, number killed, behavior, etc. When the panel was trying to make their determinations they looked at the DO level, chemical level, species killed and the behavior. The final report is not finished at this particular time stated Mr. Tilyou and pointed out that he should

be receiving a draft within a couple of days after which time the panel's conclusions will be on each incident.

Chairman Jenkins asked if any of the Commission members had any questions. Chairman Jenkins asked if Mr. Tilyou knew what Wildlife and Fisheries authority is to pursue action against people that might have perpetrated the fish kill. Mr. Tilyou advised that Dr. Clark should address this. Dr. Clark stated that they are in fact pursuing that very question. There is statutory authority for the department to collect civil restitution from anyone who does so much as harm fish and wildlife resources of the state. There is one serious difficulty with the statute. This is that the people who are subjected to the civil penalties must have broken a law or a rule or a regulation of some governmental unit whether it be a state law or a federal law. Once they have been cited and it can be demonstrated in court that they caused that harm the department can collect civil penalties. Letters have been sent to the Department of Environmental Quality and the Department of Agriculture asking them specifically about cases made in these situations relative to these fish kills advised Dr. Clark. To date the department has been notified of one case that has been made by DEQ and it is being investigated whether or not this case can be used by the department in any one of the particular kills. Dr. Clark believes that in looking at the information on hand the hundreds of thousands of fish that were killed this summer, many by pesticide, the department will not be able to collect on. The reasons for this is: 1) finding an individual who is particularly responsible will be difficult; 2) a lot of the activity that went on that killed fish was probably very legal; 3) as long as it is a legal act the department's statute does not allow for collection on these situations. Under the current rules, regulations and statutes if this happens again next year the department will probably be in the same situation. Chairman Jenkins recommended that some kind of legislation be addressed next year and asked if what Dr. Clark is trying to say is that the department cannot prosecute or pursue these cases on its own irrespective of what the Department of Agriculture or somebody else does. Dr. Clark advised that the way he understands it is that the department does not have any regulatory authority over these chemicals; the Department of Agriculture has it over these chemicals. Chairman Jenkins asked if Acting Secretary McInnis could add to this. Acting Secretary McInnis advised that Dr. Clark is correct and the department's regulatory authority does not extend to the utilization of these pesticides. In drafting the legislation that is in place today there was a great deal of discussion as to who did the civil restitution penalty apply to. It was felt in order to make this work and be accepted by the public that someone had to be at fault before a penalty could be collected for what had taken place. The burden of proof would be the activity that a person is participating in was in violation of some regulation or law. Chairman Jenkins commented that apparently there has to be some problem with the existing regulation because there are a half of

million fish killed and nobody killed them. Acting Secretary McInnis advised that Mr. Tilyou's committee is looking into the existing guidelines to see if whether or not they need to be modified.

Dr. Clark explained that as he understands, one of the preliminary conclusions that the committee reached was, as a group, ask the EPA to review their label instructions to see whether or not they should be changed giving these instances. Chairman Jenkins asked if the case the department is looking into is the case against the crop duster. Dr. Clark advised "yes" and DEQ were the ones that cited him. Chairman Jenkins stated that DEQ can cite this even though it is under the purview of the Agriculture Department and the Wildlife and Fisheries can't. Dr. Clark pointed out that there is a representative from the Department of Environmental Quality attending the meeting and maybe they can answer that question. Mr. Schneider asked Mr. Puckett if there was a statute on the books for "want and waste" that could be used? Mr. Puckett commented that there is a statute for "want and waste" but thinks it just applies to commercial fishermen. Mr. Schneider stated that he thought it was for everything. Mr. Puckett advised that there wasn't a universal "want and waste" clause and the department's law enforcement officers were given general enforcement powers which means generally speaking they enforce fish and wildlife laws but have been given through statute the enforcement powers of other law enforcement agencies so they could write the same sort of citations that a State Policeman or somebody else could. This would require some knowledge on their part of the particular law they were writing up. Mr. Puckett pointed out that beyond this Dr. Clark's outline of what the departments abilities would be legally is correct. Aside from possibly one of the department's officers writing the citation it would still be prosecuted by another agency. The department's only cause of action would be a civil one for the restitution of the fish or the animal for its value which require the underlying basis that some federal or state law regulating fish or wildlife has been broken.

Ms. Barbara Romanowski with DEQ addressed the Commission and informed them that DEQ has issued one compliance order with a penalty notice to a facility names Segura Flying Service located in Vermilion Parish. This is the only enforcement action that has been taken. The citation was for a violation of the Water Pollution Control Act for a discharge to waters of the state without a permit. This is a violation of a rule or a statute advised Mr. Romanowski and this is all DEQ has done. Chairman Jenkins asked if DEQ was involved in the case at Grosse Tete. Ms. Romanowski stated that the one she knows about in Grosse Tete was the spraying of the subdivision and did not involve a fish kill. Chairman Jenkins thanked Mr. Romanowski and asked Mr. Jesse Fontenot if he wanted to comment.

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Mr. Fontenot, Morgan City, stated he had a question for the people from DEQ and asked about the spraying of the chemical 2-4-DT along Highways 70 and 90 and why is the state allowed to continue spraying the highways instead of cutting the grass. The DEQ personnel stated that this is not regulated by DEQ but by the Department of Agriculture. Mr. Fontenot stated that he thinks DEQ needs to look at this.

Mr. Jones stated he would like to know who is going to do something about this issue and when. Dr. Clark advised that the department has sent letters to DEQ and Department of Agriculture asking them what, if anything, they are going to do. Mr. Jones asked what kind of response has been received. Dr. Clark stated that to date a package of materials has been received from the Department of Environmental Quality telling the department about the citation that they made. The Department of Agriculture has sent only a package of data. A second letter to the Department of Agriculture has been drafted "saying thank you very much for you data, it is in fact what we asked you for, but we also asked you if you were going to take any citation or legal action against anyone else which you did not answer". Mr. Jones suggested that they come back next month and report on this. Chairman Jenkins stated that suited him. After a short discussion on who made the chemical Mr. Schneider asked if anybody from the Department of Agriculture was attending the meeting. Dr. Clark advised that in their defense they were asked very late to come to today's meeting and apparently they were unable to do so. Mr. Schneider asked if the department could not communicate with them and ask them for more specific information. Mr. Jones stated that he would love to ask Mr. Odom to provide this specific information and asked Acting Secretary McInnis to do this. Acting Secretary McInnis advised they would. Dr. Clark pointed out that he does not know what the department would do with this specific information because they do not have authority to do anything. Concluding, Mr. Jones and Mr. Schneider both commented that the public needs to know of the problems in this area and somebody needs to deal with this.

Chairman Jenkins called on Mr. Jones pertaining to the full **Report and Update on D.A. Reporting**. Mr. Jones asked Acting Secretary McInnis to bring the Commission up-to-date on this. Acting Secretary McInnis advised that this report is in response to Mr. Jones' request. From time to time information has been given as to where the program stood. In the last several weeks Acting Secretary McInnis has met with Major Candies in the Law Enforcement Division who works very closely with the return copies of the disposition copies (blue copy) of the reporting system. These copies are sent back to the department and the information is put into the system. A simpler way was developed for the D.A's to respond back to the department by using a computer to ascertain what citations had been sent to them for a given time frame. After this was sent to them they would put information as to the status or disposition of the case and send it back to the department.

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This has now been done three time (three month time frame). The first time it was sent out there were no response from seven D.A.'s representing thirteen parishes. The second time frame responses were received from all but six D.A.'s representing ten parishes. The last time frame, after working with the D.A.'s Association and making modifications (six month time frame), responses were received from all but four D.A.'s in seven parishes but actually you are down to one D.A. in one parish because three of those representing six parishes were brand new and simply did not have the information when they walked in the door to give to the department. Acting Secretary McInnis commented that he was extremely pleased with the response that the department has gotten as far as getting the reports back and asked Mr. Al Brown, Computer Section, to update the Commission on what the department is going to be working towards as far as getting on the computers so that data can be analyzed. The department does have the reports and they are available for review. Major Candies has spent a great deal of time going through these reports and the next step is to get them on the computer system.

Mr. Brown reported that shortly after assuming the position of Computer Center Manager, Acting Secretary McInnis met with him, Col. Vidrine, Major Candies and other to discuss this very issue. The existing automated system for capturing information off of citations and tracking it all the way through dispositions was examined. It was found that there was not much. The original system was designed to just capture the information on the tickets that were issued. It was not planned to ever track them all the way through dispositions. Over the years it had been modified a little bit at a time. Because of the inherent problems of what the department already had it was decided that the department could not get a working system without someday starting over. A decision was made at that time that this would have to be done. With the acquisition of the new computer the department has the capability to tackle this process. Early in the year there were many meetings with the Enforcement staff. Meetings were conducted with regional secretaries, communications people, etc. to get their input to come up with a good overall method of processing citations so that they could be tracked and rap sheets produced which would show first, second, third, etc. offenses. The design has been finished and programming has been occurring for the last two to three months. This is to be implemented October 1, 1991. All of the existing reporting capabilities are being maintained for age and evaluation. A new citation form has been developed which will include the ability for agents to issue up to three violations per ticket as opposed to the past where there was one violation to the ticket. Hopefully this will reduce the volume of paper involved. The entry and retrieve of the information will be able to occur at any of the office throughout the state. Mr. Brown pointed out that the present system was never designed or intended for use of automotive equipment to track these violations but come October 1, 1991, the capability will exist. As far as capturing the information from

the D.A.'s in an automotive method all the potential in this area has not be concretely addressed. A survey has been developed that will be presented to the District Attorney's Association, in the near future, attempting to solicit information from them on how they can report these dispositions to the department in a magnetic format. As far as the information that has been captured in the last three months it would be possible to enter some of this information but a lot of it would be almost impossible because it is not of a consistent type format. Concluding, Mr. Brown advised that this is what the system will be as of October 1, 1991.

Chairman Jenkins asked Mr. Brown when did he come to work for the department. Mr. Brown stated that he assumed the role of Computer Center Manager about the first of December of 1990 and has been with the department since the first of February of 1990. Chairman Jenkins went on to explain to Mr. Brown what the Commission was trying to accomplish with this reporting system. They have been trying to get this done for at least two years, stated Chairman Jenkins and asked Mr. Brown when will there be a report showing the disposition of tickets in Cameron Parish and whether or not the District Attorney is prosecuting the cases or not. Mr. Brown answered October 1st the new system will be implemented and anything that is in the mill at that time will be available depending when it is turned back in and put ~~be~~ in the computer. Each regional secretary will have the ability to input from her office the dispositions that she gets back from the court. As soon as the information is there it can be produced advised Mr. Brown. Mr. Jones stated that it was his intention, at this Commission meeting, to be able to have a report showing each D.A.'s disposition of most of the critical cases and asked when is it going to be done. Mr. Brown commented that this is exactly what he is saying, the system from the Computer Center's standpoint goes into effect October 1st and as soon as the data is there, which is the responsibility of the regions, the center will report what is there. Mr. Jones stated that there will be another D.A. report at the October Commission meeting. Mr. Brown advised that in October there will be very little data for the October meeting. Mr. Jones stated that he would like to have a little bit of information in October as opposed to the same story three or four times over the course of two years that we are going to have something. Acting Secretary McInnis explained that what Mr. Brown is saying is that in order to put it in a format that the computer can produce they have now developed a program to do that. The hard copies have been and continue to be available for your inspection, and anybody elses, that would like to see them. Chairman Jenkins asked Mr. Brown if he could take the hard copies and make the kind of report that they are talking about now? Acting Secretary McInnis stated not without putting every item into the system and someone has to sit down and encode this into the system. Mr. Brown commented that the sheer volume of capturing this information by data entry persons in this office would require adding additional personnel. This would be the only way that it would be physically possible to

get it done. The system that is being put into place will have the possibility to capture that information in the individual regions from magnetic media from the D.A.'s as well as here. The doors have been opened for the capturing of the information. Chairman Jenkins advised that they would like a report or another update for the next Commission meeting.

Mr. Jones further called for an **Update on Collection of Civil Penalties**. Mr. Jones commented that he thinks there is some more information out there that really needs to be gathered to help make a complete conclusion on how the civil penalties are doing. At this point Mr. Jones advised that he would like this item to be moved to next month's agenda as a top priority along with the hard copy D.A. report to get some kind of information.

The **Rule for Gamefish Fingerling Aquaculture/Rules and Permits** was presented to the Commission by Mr. Bennie Fontenot for ratification. Mr. Fontenot advised that the Commission had before them the permit rules that allows a fish farmer to raise and sale gamefish fingerlings for stocking ponds and private waters. The notice of intent was passed unanimously by the Commission at the May meeting. Mr. Fontenot stated that he would be glad to answer any questions. Chairman Jenkins called for a motion to adopt the rule. A motion for adoption was made by Mr. Schneider and seconded by Mr. McCall. Chairman Jenkins called for discussion. There being none Chairman Jenkins called for vote. The motion passed unanimously. Mr. Jones questioned Mr. Fontenot about gamefish that are air freighted in and out of the state. Mr. Fontenot explained that this rule is for resident gamefish farmers and anytime live fish are brought into the state for release in waters they need a special letter of permission from the Secretary of the department.

(The full text of the rule is made
a part of the record)

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

The Louisiana Wildlife and Fisheries Commission hereby establishes rules that will allow a Louisiana resident to raise and sell live gamefish fingerlings for stocking purposes.

TITLE 76 WILDLIFE AND FISHERIES PART VII. FISH AND OTHER AQUATIC LIFE CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING SECTION 159. GAMEFISH FINGERLING AQUACULTURE - RULES & PERMITS

A. A fish farmer raising and selling live gamefish fingerlings must obtain an annual fish farmers certificate (license) and gamefish farmers permit issued by the Department on a calendar year basis.

B. Live gamefish fingerlings sold from an approved fish farm shall be subject to all applicable statute and rule limitations if any.

C. A fish farmer raising and selling live gamefish fingerlings must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

D. A fish farmer raising and selling live gamefish fingerlings must submit to the Secretary of the Louisiana Department of Wildlife and Fisheries an annual report delineating the type and number of fish species produced, dates stocked, and the specific location sites where stocked such that the Department will be able to find the stocking areas at a later date. The deadline for submission of the annual report will be no later than one month after the reporting year has ended.

E. Gamefish farmers transporting gamefish fingerlings for sale must notify the Enforcement Division as per L.R.S. Title 56 and must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

F. All trucks transporting gamefish fingerlings for sale must have the words "GAMEFISH FARMER" prominently displayed with a minimum of three (3) inch block letters.

G. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

H. Gamefish fingerlings produced and distributed shall be certified disease and parasite free.

I. Genetic purity shall be maintained and gamefish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the Department.

J. The Secretary may revoke any or all permits issued for the raising and selling of gamefish fingerlings if the permittee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(1)(b) and (A)(2).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (September 1991).

James H. Jenkins, Jr.
Chairman

Ms. Karen Foote presented a **Resolution/Notice of Intent on Confidentiality of Fisheries Department Data** to the Commission. Ms. Foote advised that the Commission has before them a notice of intent which describes a system to keep the fisheries dependent information collected by the department or other agencies, which is accessible to the department, confidential. Ms. Foote presented a resolution and read the "Therefore Be It Resolved" portion of the resolution. Mr. Pol stated that he thought the Commission had already did this at one time. Ms. Foote explained that there is another regulation where there is confidentiality of the monthly landing reports and this is confidentiality of all fisheries dependent data. This regulation will keep the information from the trip ticket system confidential. Mr. Pol asked about the wording and if this information will be available to the Commission. Ms. Foote advised that as stated in the notice of intent it is available to the Commission. Chairman Jenkins called for a motion on the resolution. A motion was made by Mr. Pol for adoption and seconded by Captain Vujnovich. The motion passed unanimously. Chairman Jenkins called for a motion on the notice of intent. A motion was made by Mr. Pol for adoption and seconded by Captain Vujnovich. The motion passed unanimously.

(The full text of the resolution is
made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
CONFIDENTIALITY OF FISHERIES DEPENDENT DATA

WHEREAS, Louisiana Revised Statute 56:301.4 requires the Louisiana Department of Wildlife and Fisheries to draft regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics for approval by the Louisiana Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedure Act, and

WHEREAS, confidentiality of fisheries dependent data assists in obtaining proper reporting necessary for fisheries management,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries

Commission does hereby give notice of its intent to adopt rules and regulations to preserve the confidentiality of all fisheries dependent data, information, or statistics submitted or collected in accordance with this section of the law. The Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

James H. Jenkins
Chairman

A. Kell McInnis, III
Acting Secretary

(The full text of the notice is made
a part of the record)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to preserve the confidentiality of all fishery dependent data, information, or statistics submitted to or collected by the Department of Wildlife and Fisheries, its agencies or instrumentalities.

Title 76

Wildlife and Fisheries

Part I. Wildlife and Fisheries Commission and Agencies Thereunder
Chapter 3. Special Powers and Duties

Subchapter F. Confidential Fishing Data
§ 321. Records; Confidentiality

All fishery dependent data collected or otherwise obtained by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries

Commission in the course of their duties and other landings data collected by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission are confidential and are not to be divulged, except in aggregate form, to any person except employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission or the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business or any such person. Neither employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries nor members of the Wildlife and Fisheries Commission will voluntarily release confidential information to another person, firm, or state or federal agencies, except NOAA/NMFS as stated above, and to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. Neither the Louisiana Department of Wildlife and Fisheries nor its instrumentalities nor members of the Wildlife and Fisheries Commission will disclose confidential statistics under court order without specific approval by the State Attorney General's Office. These rules and regulations provide for compliance with all procedures set forth by the United States Department of Commerce, or its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies or instrumentalities. Employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission who have access to confidential statistics shall be subject to the provisions and penalties for unauthorized disclosure.

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (1992).

James H. Jenkins, Jr.
Chairman

Mr. Hugh Bateman presented an a Resolution and Emergency Declaration for the Ratification of Waterfowl, Rail and Gallinule

Hunting Seasons/1991-92. Mr. Bateman reported that in reference to the problems the state has with fish kills these problems also extend to wildlife. Recently Mr. Bateman attended a meeting of the Southeastern Disease Cooperative Unit in Athens, Georgia, where a specific item came up about the application of a pesticide (carbon furin) that is used on corn on thousands and thousands of acres. The pellets that are put out to control an insect were killing thousands of game birds, small turkeys, quail, and other animals such as mink, raccoons that were eating the dead birds thus dying from secondary poison. A fish and game agency got in touch with the EPA who came to the rescue because of their regulatory authority over such things. There was a big investigation and through these actions the pesticide was pulled off of the market until a more thorough investigation could be made on how the material is put out. Mr. Bateman stated that with the mix of agriculture and the importance that agriculture has on fish and game he appreciates what the Commission is doing in their interest in making sure that this is attended to.

Mr. Bateman went on to advised that in August at the meeting tentative dates were presented on waterfowl, rails, and gallinules and made public. Before the Commission today is a resolution/declaration of emergency that will put these seasons in motion in terms of adoption and allowing the department to announce them to the Fish and Wildlife Service so that they can be printed in the Federal Register. Chairman Jenkins asked if the dates had changed any. Mr. Bateman answered "no sir" and there are no recommendations from the Game Division that would change any of the dates. Very little public comment was received other than on the Catahoula Lake special duck hunting zone issue expressing some concern about the advisability of this. The department has responded to these through Acting Secretary McInnis' signature. Game Division personnel have met with the Enforcement Division and discussed the enforceability of the regulation and the fact that there will be a gray area in terms when the water is high on the lake whether you are on or off the lake. Some concern was expressed by the Fish and Wildlife Service on this issue and for this first year signs will be provided at the major access water points coming into the lake that say "You Are Entering the Catahoula Lake Zone" advised Mr. Bateman. This will help clarify for people coming into the lake by boat whether the season is opened or closed. In addition to this the department has agreed to look at the boundary of the lake in terms of marking some kind of permanent boundary around the lake for next year. Mr. Bateman advised that he would be glad to answer any questions. Chairman Jenkins asked Mr. Bateman to read the "Therefore Be It Resolved" portion of the resolution. Mr. Bateman concurred. Chairman Jenkins called for a motion on the ratification of the hunting seasons. A motion for adoption was made by Mr. Jones and seconded by Mr. Schneider. Chairman Jenkins called for discussion. There being none he called for a vote. The motion passed unanimously.

(The full text of the resolution is
made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 1991

The following was adopted by the Louisiana Wildlife and Fisheries
Commission at its regular Commission Meeting in Baton Rouge, LA,
September 5, 1991.

WHEREAS, Hugh A. Bateman, Administrator of the Game Division, has
attended public hearings in Washington, D.C. on upland
migratory birds and waterfowl, and

WHEREAS, the results of this meeting has been discussed with the
Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing migratory bird season
framework have been developed by the U.S. Fish and
Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff
have presented recommendations for migratory species
including season dates, bag limits and shooting hours,
and

WHEREAS, it is the constitutional responsibility of the Louisiana
Wildlife and Fisheries Commission to establish hunting
seasons for migratory species within the constraints of
the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that on this date, the Louisiana Wildlife
and Fisheries Commission does hereby adopt the attached
season dates, bag limits and shooting hours by
Declaration of Emergency, and

BE IT FURTHER RESOLVED, that this Declaration of Emergency will be
in effect beginning November 1, 991 and shall extend for
a period 120 days,

BE IT FURTHER RESOLVED, that these dates will be forwarded to the
U.S. Fish and Wildlife Service as regulation set for the
Louisiana's 1991-92 Migratory Bird Hunting Regulations.

A. Kell McInnis III
Acting Secretary
LA Dept. Wildlife & Fisheries

James H. Jenkins, Jr.
Chairman
LA Wildlife & Fisheries Comm.

(The full text of the emergency declaration is made a part of the record)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the Emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

The hunting Seasons for ducks, coots, geese, rail and gallinules during the 1991-92 hunting season shall be as follows:

Ducks and Coots (Closed Season on Canvasbacks)

West Zone:	Nov. 16 (Sat.)-Dec. 6 (Fri.)	21 days
	Dec. 28 (Sat.)-Jan. 5 (Sun.)	9 days
East Zone:	Nov. 23 (Sat.)-Dec. 1 (Sun.)	9 days
	Dec. 16 (Mon.)-Jan. 5 (Sun.)	21 days

Experimental Catahoula Lake Zone (NEW) -
Nov. 23 (Sat.)-Dec. 22 (Sun.) 30 days

All of Catahoula Lake including those portions known locally as Round Prairie, Catfish Prairie and Frazier's Arm.

Daily Bag Limit: The daily bag limit on ducks is 3 and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and mergansers is twice the daily bag limit.

Geese:	Statewide	
	Nov. 16 (Sat.)-Dec. 7 (Sat.)	22 days
	Dec. 14 (Sat.)-Jan. 30 (Thurs.)	48 days

Jan. 31 (Fri.)-Feb. 9 (Sun.)

10 days (Snow
geese only)

Daily Bag Limit:

Daily bag limit is 7 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies) except as noted below. During the last 10 days (Jan. 31-Feb. 9), only blue and snow geese may be taken. During the Experimental Canada Goose Season (Jan. 22-Jan. 30) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

Experimental Canada Goose Season - Jan. 22 (Wed.)-Jan. 30
(Thurs.) 9 days

An experimental Canada goose season will be open in a portion of southwest Louisiana. The area shall be described as follows:

Easterly from the Texas line along Hwy. 12 to Ragley; then easterly along U.S. 190 from Ragley to its junction with I-49 near Opelousas; then south along I-49 to its junction with Hwy. 167 near Lafayette; then south along Hwy. 167 from Lafayette to its junction with Hwy. 82 at Abbeville; then south and west along Hwy. 82 to the Intracoastal Waterway at Forked Island; then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel; then south along the west side of the Calcasieu Ship Channel to Hwy. 82 at Cameron, then westerly along Hwy. 82 to the Texas State line. All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward.

A special permit shall be required to participate in the Experimental Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from the Lake Charles, Opelousas and Baton Rouge Offices.

Return of harvest information requested on the permit is mandatory. Failure to submit this information to the Department by February 15, 1992 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year.

Rails - Nov. 16-Jan. 20

King and Clapper - daily bag limit is 15 in the aggregate, possession 30.

Sora and Virginia - daily bag and possession limit is 25 in the aggregate.

Gallinule - Nov. 16-Jan. 20. Daily bag limit is 15, possession 30.

Shooting Hours: 1/2 hour before sunrise to sunset.

This Declaration of Emergency will be in effect beginning November 1, 1991, and shall extend for a period of 120 days.

James H. Jenkins, Jr.
Chairman

Continuing, Mr. Bateman presented **Resolutions on Land Acquisition/Sicily Island Hills WMA**. Mr. Bateman presented two resolutions on land acquisition in the Sicily Island Hills Wildlife Management Area. A map was passed out to the Commission showing the areas.

One of the areas is made up of forty acres that currently belongs to the International Paper Company. This is an inholding within the wildlife management area. This has been discussed with the members of the Commission and they authorized the department to go forward. The purchase price agreed to is two hundred dollars an acre with a total price of eight thousand dollars. Mr. Bateman read the "Therefore Be It Resolved" portion of the resolution. Chairman Jenkins called for a motion on the resolution. A motion for adoption was made by Mr. Pol and seconded by Mr. Foret. The motion passed unanimously.

The other area is an adjacent holding of one hundred and eight acres that belongs to a private individual. The price agreed to is two hundred dollars per acre with a total price of twenty one thousand six hundred dollars. Mr. Bateman read the "Therefore Be It Resolved" portion of the resolution. Chairman Jenkins called for a motion. A motion was made by Mr. McCall for adoption. The motion was seconded by Captain Vujnovich and passed unanimously. Mr. Bateman advised that if there were any questions on the land acquisitions he would be glad to answer them. Mr. Bateman commented that the department will be coming to the Commission with numerous other small parcels on Sicily Island Hills WMA that are available for sale at reasonable prices that will add materially to the manageability of this public area. The Sicily Island Hills WMA is approximately seven to eight thousand acres and is a key wild turkey trapping area for the department. Several hundred

birds have been moved off of the area for restocking purposes. The department does not allow turkey hunting on the area which allows the turkey flock to provide birds for restocking all over the state. Mr. McCall asked how many tracts of land in Louisiana were available to the department for purchase. Mr. Bateman guessed that there would be upward to ten, twelve, fifteen million dollars worth of property that is currently available from willing sellers. Mr. McCall asked how many tracts were the department negotiating for. Mr. Bateman answered dozens and advised that there are nine tracts just on the Sicily Island Hills, small inholdings, which will be coming before the Commission. Mr. McCall asked if there were any others areas of interest besides Sicily Island. Mr. Bateman advised that there were areas in Tensas Parish, Concordia Parish, Catahoula Parish, Natchitoches Parish, West Feliciana Parish, St. Tammany Parish, etc. Chairman Jenkins asked about the land which was just purchased on the outside of area creating another inholding. Mr. Bateman explained that the reason for this was that the land was available for a good price and there are adjacent tracts that will make it better once they are obtained. Mr. Jones stated that once again he believes they need to bring up the fact that this is the first time in years and years that the Commission and department has gone into an aggressive land purchase for the State of Louisiana for wildlife management areas and thinks congratulations are in order. Concluding, Mr. Bateman added do not pass up the opportunity to extend that congratulations to the sportsmen of the state because a lot of the money is coming from license sales that is going to go into the purchase of some of this property.

(The full text of the resolution is
made a part of the record)

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held at Baton Rouge, LA, September 5, 1991.

- WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and
- WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and
- WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 40 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both International Paper Co. and this Department, and

WHEREAS, the purchase price which has been agreed upon is \$8,000.00. One hundred dollars (\$100.00) has been previously paid for an option on this property with the balance due at closing between seven thousand ;nine hundred (\$7,900.00).

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and
BE IT FURTHER RESOLVE, that the newly acquired lands be included and made part of the Sicily Island Hills WMA which has previously been Proclaimed by the Governor.

A. Kell McInnis III
Acting Secretary
LA Dept. Wildlife & Fisheries

James H. Jenkins, Jr.
Chairman
LA Wildlife & Fisheries Comm.

(The full text of the resolution is
made a part of the record)

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held at Baton Rouge, LA, September 5, 1991.

WHEREAS, the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission both recognize the value of acquiring lands for outdoor recreation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has an active land acquisition program, and

WHEREAS, the game division staff, in concurrence with the land acquisition committee, have actively pursued purchase of a certain 108 acre inholding in the Sicily Island Hills WMA in Catahoula parish, and

WHEREAS, this activity has resulted in the negotiation of a Purchase Agreement which has been agreed to by both Mr. John Weston and this Department, and

WHEREAS, the purchase price which as been agreed upon is \$21,600.00, twenty one thousand six hundred dollars.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary to consummate these negotiations through Cash Sale and to acquire said lands and include these lands into the Departments Wildlife Management Area program, and

BE IT FURTHER RESOLVED, that the newly acquired lands be included and made a part of the Sicily Island Hills WMA which has previously been Proclamated by the Governor.

A. Kell McInnis III
Acting Secretary, LA Dept. of
Wildlife and Fisheries

James H. Jenkins, Jr.
Chairman, LA Wildlife and
Fisheries Commission

Mr. Tommy Prickett presented the **Alligator Rule Change for Ratification** to the Commission. Mr. Prickett advised that he was coming before the Commission for ratification of the alligator rule change which was approved at an earlier meeting (April). Changes were encompassed in the reporting requirements for alligator farmers. They now have ten days to report any alligator transaction. The length of time to release alligators back into the wild is now specified to two years. The minimum size of the alligators being released back into the wild has changed from forty eight inches down to thirty six inches with a variable percentage rate based on that size. The dates for releasing alligators back into the wild have also been changed. It was changed from April 15 - September 15 to March 15 - September 30 if environmental conditions are correct. Mr. Prickett asked if there were any questions. Chairman Jenkins asked if the fifty percent female was already in there. Mr. Prickett answered that is correct. Chairman Jenkins called for questions. There being none Chairman Jenkins called for a motion to adopt the rule. Mr. McCall made a motion to adopt the alligator rule change. The motion was seconded by Mr. Schneider. Chairman Jenkins called for discussion. There being none he called for a vote on the motion. The motion passed unanimously. Mr. Schneider asked Mr. Prickett how the alligator season was going. Mr. Prickett advised that it opened August 31 and the first couple of days the weather was fairly warm. Hunters contacted in southwest and southeast Louisiana were very successful. After the rains came and temperatures moderated the catch fall off a good bit in the last couple of days. If the weather clears up and the temperatures rise the alligators should get more active and the catch should pick up again commented Mr. Prickett. Mr. Prickett went on to advise that with everything that is going on in the industry right now that is affecting the

alligator hunters the number one concern is price. Most of the hunters are very disappointed in the prices that are being offered. Hopefully after the Paris Leather Show on September 20 the prices may rise. Mr. Schneider asked about the prices. Mr. Prickett advised that he hates to send out any misinformation because he has heard prices depending on quality of the skins. The prices range from thirty to forty dollars a foot whereas last year is was fifty to sixty dollars a foot. Some buyers are not even making the offers on four and five foot alligators. This is a real concern to everybody in the industry. Mr. McCall asked if the prices quoted were for seven and eight foot alligators. Mr. Prickett stated that was correct and added that there was one large sale that took place that was thirty one dollars across the board for all the alligators harvested. Mr. Schneider asked if we were reaching the point where the supply was more than demand. Mr. Prickett answered that we are there in this year's market. Mr. Prickett advised that the department will be coming back to the Commission to make some more changes to the alligator rule. There were a couple of laws passed in the last legislative session that will go into effect shortly and the department's rules need to come in line with them. These will be small technical changes.

(The full text of the rule is made
a part of the record)

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries does hereby amend and adopt the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

TITLE 76 WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

Section 701. Alligator Regulations

* * *

K. Report Requirements.

* * *

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

* * *

N. Alligator Egg Collection.

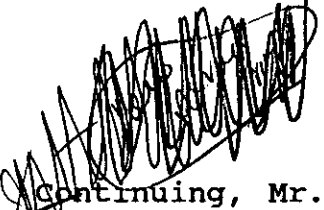
* * *

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between March 15 and September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December 1990), Amended L.R. 17: (September 1991).

Continuing, Mr. Prickett presented a **Resolution for Setting the 1991-92 Trapping Season and Reaffirming the Nutria Control Cost Share Program.** Mr. Prickett advised that he is asking the Commission to do two things with this resolution. One is to adopt the trapping season dates for 1991-92 and reaffirm the nutria control cost share program. The two will be incorporated through the provisions of the declaration of emergency through the Administrative Procedure Act so they will both go into effect on the same day. Dates for the north zone are November 20, 1991 through February 15, 1992. Experimental season in the north zone only February 16, 1992 through March 15, 1992, soft catch only. The department will be evaluating the effectiveness of soft catch traps. It appears that in the future to export fur products out of the United States the methods of trapping will have to be changed and soft traps are one of the things the department is looking at. Dates for the south zone are December 1, 1991 through February 29, 1992. Interstate 10 from the Texas State line to Baton Rouge, Interstate 12 from Baton Rouge to the Slidell, then Interstate 10 from Slidell to the Mississippi State line will be the dividing line for north and south zones. Chairman Jenkins asked Mr. Prickett to read the "Therefore Be It Resolved" portion of the resolution. Mr. Prickett concurred. Chairman Jenkins called for a motion on the resolution. Mr. Pol made a motion to adopt the resolution. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for discussion. There being none Chairman Jenkins called for a vote. The motion passed unanimously.

(The full text of the resolution
is made a part of the record)

RESOLUTION
La. Wildlife and Fisheries Commission
September

- WHEREAS, the promulgation of a trapping season for the taking of furbearers is a wise use of a renewable natural resource; and
- WHEREAS, biological data has determined that population s of furbearing animals are at or above carrying capacity and that surplus animals taken by legal trapping have no adverse impact on those populations; and
- WHEREAS, in certain areas of Louisiana nutria are above carrying capacity and causing damage to marsh habitats and in recognition of this damage the 1990 Legislature and this Commission approved a Nutria Control Cost Share Program to assist in reducing this damage to valuable marshes; and

WHEREAS, the Fur and Refuge Division recommends an open trapping season for 1991-92 as follows:

North Zone: All furbearers, November 20, 1991 through February 15, 1992

Experimental Season: February 16, 1992 through March 15, 1992. Soft catch only (Padded trap)

South Zone: All furbearers, December 1, 1991 through February 29, 1992

The boundary between North and South Zones shall be Interstate Highway 10 from Texas state line to Baton Rouge; Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi state line.

Bobcat and Otter by federal regulation must have a possession tag attached to verify origin in Louisiana at the time of sale.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt these recommended dates for the 1991-92 trapping season and reaffirms its adoption of the Nutria Control Cost Share Program.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to take any and all steps necessary to promulgate the 1991-92 trapping season and the Nutria Control Cost Share Program using the Emergency Rule Making Process as provided for within the Administrative Procedure Act.

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

Mr. Prickett continued and gave a short update on last year's trapping season. Two records were set last year. Number one the department sold the least number of trapping licenses that has ever been sold, approximately eighteen hundred. In the mid-eighties there were at least twelve thousand sold annually. Number two, the nutria were the only fur-bearers worth mentioning that were harvested with a total of one hundred thirty four thousands animals including the thirty day extension that was granted last year. Through the mid-eighties there were well over a million nutria harvested. This is the lowest harvest on record. Chairman Jenkins asked about the "eat-out" situation. Mr. Prickett advised that the nutria cost share program will hopefully take up some of the slack. This will be a one dollar incentive paid on each nutria. This

coming winter will be the first winter the program goes into effect. Mr. McCall asked about the prospect of trapping prices this season. Mr. Prickett stated there is a little bit of encouragement. Ranch mink is kind of the gold standard for fur prices and right at the end of trapping season it went up a little on the European market. After the leather show in Paris there may be a better indication of the prices concluded Mr. Prickett.

Colonel Winton Vidrine gave the **Monthly Law Enforcement Report**. Colonel Vidrine gave the law enforcement report for the month of August, 1991. The following number of citations were given.

Minden - Region I - 103 cases. Confiscated were 100 yards of two inch gill nets, a black bass and deer parts.

Monroe - Region II - 117 cases. Confiscated was a 1967 Chevrolet truck, electronic devices, aluminum boat, outboard motor, 13 catfish and a rifle.

Alexandria - Region III - 169 cases. Confiscated were 34 white perch, 11 black bass, catfish, freshwater drum and a seven and half foot alligator.

Ferriday - Region IV - 75 cases. Confiscated were 5 deer, 71 alligator hides, 1 twenty two rifle, 8 hoop nets with leads.

Lake Charles - Region V - 417 cases. There were 30 cases for taking undersized red drum, 12 for undersized black drum, 5 for undersized spotted seatrout. Confiscated were 108 red drum, 37 black drum, 105 speckled trout, 106 red snapper, 3,818 pounds of shrimp which sold for \$8,764, 2 shrimp trawls, squirrel, and 2,000 feet of gill net.

Opelousas - Region VI - 179 cases. Confiscated were 10 red drum, 10 trout, 9 black drum, 2 fawn deer, alligator, 42 red drum, 4 speckled trout, 1 cougar, 12 feet test trawl, gill nets, and 98 sac-a-lait.

Baton Rouge - Region VII - 348 cases. No confiscations.

New Orleans - Region VIII - 486 cases. There were 39 for possession of undersized red drum, 20 for possession of undersized spotted seatrout, 9 taking commercial species without license, 7 leaving unattended nets, 27 for failure to report commercial fishing data, 69 for trawling in closed season, 7 for butterflying in closed season, and 2 simple assaults on an officer. Confiscated were 2,450 feet of gill net, 27 trawls, 12 test trawls, rifle, 15 butterfly nets, 77 sacks of oysters, 186 red fish, 133 speckled trout, alligator, 66 black bass, 10,545 pounds of shrimp which sold for \$14,647, 63 pounds of sheephead and 2 pounds of flounder which sold for \$63, and 67 pounds of black drum which sold for \$160.

Thibodeaux - Region IX - 709 cases. There were 47 with possession of undersized red drum, 59 for possession of undersized spotted seatrout, 17 for over the limit of red drum, 11 for taking commercial fish without a gear license, 14 for selling commercial fish without a license, 15 for taking commercial fish without a vessel license and 15 for trawling in closed season. Confiscated were 239 seatrout, 10 red snapper, 122 catfish which sold for \$69, 1,988 pounds of shrimp which sold for \$2,254, 11 trawls, 9 alligators, gill nets and 1 fish shocking device.

The Rip Tide and the Delta Tide had a total of 57 citations issued. Thirty five were for trawling in closed season. Confiscated were 58 trawls and 4,700 pounds of shrimp which sold for \$6,936.

The Oyster Strike Force had a total of 41 cases. Confiscated were 92 sacks of oyster, 8 gallons of opened oysters, 29 spotted seatrout, seized 2 boats, 4 dredges and records from 4 oyster dealers.

The total number of cases for the month of August was 2,701. Colonel Vidrine pointed out that this is the largest number of cases that he can recall for one month. The agents were very busy.

At this time Lt. Colonel Charlie Clark showed a video on patrolling the Chandeleur Island area for boats shrimping in closed season and the use of some high tech equipment to catch them which was borrowed from the Government. This equipment was used in the Desert Storm Operation. This resource will be made available by the Government when the department needs it. About eighty percent of the boats in this particular area are not resident boats violating the law. They are Mississippi and Alabama boats that have come over the line advised Lt. Colonel Clark.

Mr. McCall commented that again, as last month, there are over two hundred cases of fishing without a resident pole license and asked where were the agents finding all of these people. Lt. Colonel Clark explained that an agent is probably in a rural place where the possibility of making any other case exist. Mr. McCall stated that other things would be more important than these pole violators. Lt. Colonel Clark pointed out that in order for an agent to survive the Performance Evaluation he has to go out and write other kinds of cases. Many times an agent is sitting and waiting for something to happen and in those time intervals they are looking for something to do, these other avenues are supplying them that. Mr. McCall said that he could understand that but the thing that he is getting at is that one of the top three things every month is resident pole violations. Lt. Colonel Clark stated to be truthful with you they are so easy to make. Mr. McCall commented that Lt. Colonel answered his question.

Dr. Clark pointed out that the state record crappie was caught on a cane pole and last year a state record largemouth bass was taken

out of False River by a cane pole fisherman. These cane poles can potentially have a tremendous impact on fisheries that are very important to the state.

Mr. A. Kell McInnis III gave the **Acting Secretary's Report** to the Commission. Acting Secretary McInnis reported that during the course of the legislature some mandates were brought up that the department needed to address. One of these mandates that the department is working on currently is the Life Time License for hunting and fishing and should be available the first part of January. The Credit Card License for the commercial fisherman is another and will provide for radical change in the way business is done as far as license sales are concerned. Hopefully this credit card system will provide the department with the ability and information to do a much better job on the reporting system. Another mandate was to create an agreement with the Fish and Wildlife Service whereby the enforcement agents with enforcement capabilities in Cameron and Calcasieu Parishes could enforce state laws on and off the refuge in the lake area. Representative Roach who sponsored the bill has been contacted and he has spoken with the regional supervisor. Acting Secretary McInnis contacted the chief of law enforcement for the Fish and Wildlife Service and a meeting has been scheduled in the next two weeks to put this in place.

The oyster lease opening date will be on this coming Monday, September 9, and people have already started lining up. The department is trying to accommodate them the best they can. More people are expected.

The shrimp seasons were opened in Zones 1 and 2 and the alligator season also opened. The shrimp season started off very good but has slacked off. Hopefully there will be another cycle as the moon comes around. The persons working with alligators have been real busy. Egg collections have been done and the releases on the seventeen percent that is required to put back into the wild has been done. The wild season has opened with tag sales being heavy. Acting Secretary McInnis was told by one person that they had already processed nine hundred alligators with an average of over eight feet. This was in one processing plant.

Earlier today Chairman Jenkins, Acting Secretary McInnis, Mr. Puckett and Ms. Baker met with the people that received the bid on the shell dredging and signed the contract.

5 A meeting was held with staff in the Baton Rouge and Alexandria offices to review status of this year's legislation and get input from them as to what was needed to be done in the future.

There are several meetings going on in the very near future advised Acting Secretary McInnis. The International Association of Fish and Wildlife Agencies meets beginning tomorrow morning at 7 a.m.

in Hot Springs, Arkansas. The American Fisheries Society meets next week in San Antonio, Texas. The Gulf Council is scheduled to meet the following week in New Orleans, Louisiana and the Gulf States Marine Fisheries Commission is also scheduled to meet in New Orleans later this month. There will be a Marsh Management Seminar that is scheduled for September 26-27. It will be held in the Louisiana Room at the Wildlife and Fisheries building in Baton Rouge.

The Louisiana National Hunting and Fishing Day will be coming up on September 28. There has been a lot of cooperation through the department and other volunteers to help with this program. It will be held at the Waddill tract. There is also the Mid South Game Fair that is going to be in the Bossier area which will be a three day event sponsored by the Bossier chamber and is tied around Hunting and Fishing Day. They are looking for a big turnout and the department has been cooperating with them trying to make this program get off with a good start.

Acting Secretary McInnis advised that he also has some information to pass out to the Commissioners. These are recommendations that he received from the Law Enforcement Division as to possible solutions or efforts to make toward monitoring the reporting system. A complete report, as has been requested by the Commission, will be given at next month's meeting.

Concluding, Acting Secretary McInnis advised that this is all he had and had a plane flight for 4:30. Mr. Jones asked about the mitigation shell. Acting Secretary McInnis stated that Mr. Puckett has been working on this and asked that he address this. Mr. Puckett reported that during the last conversation held with Dravo it was expressed the Commission's and department's seriousness about pursuing this and if an amicable settlement cannot be reached then litigation would be inevitable. Basically anticipating that Mr. Puckett would be directed to seek litigation. At this point an agreement is still trying to be reached and Mr. Puckett was hoping to have a proposal to submit at this meeting. This is where this issue stands. Obviously the complexion has changed somewhat by the fact that Dravo was not the successful bidder. Mr. Jones asked for a ball park figure of what the department is due. Mr. Puckett explained that the department has a specific figure of what the department is due, a specific figure of what was proposed that would be a suitable settlement for this amount. After the bids came in and Dravo's position may have changed and they will no longer be producing shell. Dravo's negotiating position was based, in large part, on the assumption that they would continue to be a producer of shell which changed when they did not receive the bid advised Mr. Puckett. Mr. Jones again asked what was the dollar amount that the department originally requested. Mr. Puckett explained it is not a dollar but a shell amount. The projects are the Queen Bess Island, approximately forty thousand five hundred yards for two separate projects on Queen Bess; five marine fishing

reefs in Vermilion, Timbalier and Pontchartrain totaling approximately fifteen thousand yards; Marsh Island, approximately thirty thousand yards; being negotiated when the bids came in was a thirteen shell oyster plant in either Black Bay or Sister Lake.

Mr. Schneider asked if there was a time limit after this contract expires, some kind of prescriptive time limit that the department and Commission has in order to get the rightful mitigation. Mr. Puckett advised any right you want to assert has a prescriptive time limit on it and thinks for the shells that are being negotiated for come well within a time limit. The hope would be that a plan can still be worked out notwithstanding the very unfavorable circumstances that have been created that both parties can live with. Mr. Jones stated that at retail value you are talking about a million seven hundred thousand dollars which is significant. Mr. Puckett stated "correct". Mr. Schneider asked if we were within thirty to sixty days of coming to some agreement because their contract is going to expire shortly. Mr. Puckett advised that he is shooting for much earlier than thirty days and will keep Chairman Jenkins or Mr. Jones advised as to how this goes.

At this point in the meeting Mr. Pol proposed an amendment on a prior resolution dealing with the spotted seatrout task force. This part of the minutes were inserted at the beginning of the minutes in the spotted seatrout portion for clarity reasons.

The Date for the December Meeting was set for the December 9, 1991, which is on a Monday. The meeting will be held at the Baton Rouge office.

Chairman Jenkins called for **Public Comments** or questions from the press. There being none Mr. Schneider made a motion that the September 5, 1991, Commission ^{Meeting} be adjourned. The motion was seconded by Captain Vujnovich and passed unanimously.

A. Kell McInnis
Acting Secretary

AKM:sb